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Government
Publications

BILL 165

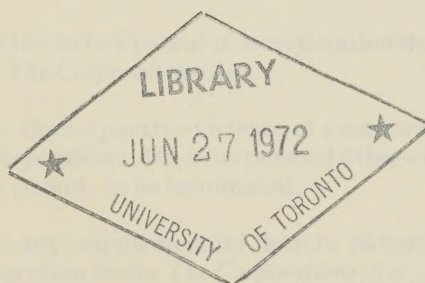
Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

47

**An Act respecting
Businesses Controlled by Organized Crime**

MR. SHULMAN



TORONTO

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EXPLANATORY NOTE

The Bill provides a means of exposing businesses and corporations which are involved with organized crime.

BILL 165

1972

An Act respecting Businesses Controlled by Organized Crime

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, “organized crime” means any combination or conspiracy to engage in any offence under section 185, 186, 187, 189, subsection 1 of section 193, clause *c* of subsection 2 of section 193, section 195, 305, 331, 407, 408, 409, 410, 411, 413, 416, 417 or 418 of the *Criminal Code* (Canada) <sup>Interpre-
tation</sup> *R.S.C. 1970,
cc. C-34, N-1* or section 4, 5 or 6 of the *Narcotic Control Act* (Canada) as a significant source of income or livelihood.

(2) Any reference in this Act to the *Criminal Code* (Canada) <sup>References
to *Criminal*
Code,
Narcotic
Control
Act</sup> or the *Narcotic Control Act* (Canada), or any provisions thereof shall be deemed to be a reference to the *Criminal Code* (Canada) or the *Narcotic Control Act* (Canada), or the provisions thereof as amended or re-enacted from time to time.

2. The Attorney General may institute civil proceedings <sup>Civil
proceedings</sup> in the Supreme Court to,

- (a) cancel the letters patent of a corporation incorporated under *The Corporations Act*; *R.S.O. 1970,
c. 89*
- (b) declare the corporate existence of a corporation under *The Corporations Act*, incorporated otherwise than by letters patent, to be terminated;
- (c) cancel any supplementary letters patent issued to a corporation under *The Corporations Act*;
- (d) cancel any licence issued to an extra-provincial corporation under Part IX or a predecessor thereof of *The Corporations Act*;
- (e) dissolve a corporation incorporated under *The Business Corporations Act*; or *R.S.O. 1970,
c. 53*

R.S.O. 1970,
c. 340

- (f) enjoin the operation of any sole proprietorship or partnership registered under *The Partnerships Registration Act*;

as the case may be, where,

R.S.O. 1970,
cc. 89, 53

- (g) any director or officer of a corporation incorporated under *The Corporations Act* or *The Business Corporations Act*, with the knowledge of the president and a majority of the board of directors or under circumstances in which the president and a majority of the board of directors ought to have had knowledge, is engaged in organized crime or is connected directly or indirectly with an organization or criminal society engaged in organized crime;

- (h) any director, officer, employee, agent or stockholder of a corporation incorporated under *The Corporations Act* or *The Business Corporations Act*, with the knowledge of the president and a majority of the board of directors or under circumstances in which the president and a majority of the board of directors ought to have had knowledge, acts for, through or on behalf of the corporation in a persistent course of organized crime with the intent to compel or induce other persons or corporations to carry on business with the corporation or to engage in organized crime; or

- (i) any partner in a partnership or the owner of a sole proprietorship registered under *The Partnerships Registration Act* or any employee or agent of such partnership or sole proprietorship engages in a persistent course of organized crime with the intent to compel or induce other persons or corporations to carry on business with the partnership or sole proprietorship or to engage in organized crime.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Businesses Controlled by Organized Crime Act, 1972*.

An Act respecting
Businesses Controlled by Organized Crime

1st Reading

June 12th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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Government
Publications

BILL 166

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the
Controlling of Hours in Retail Establishments**

MR. PATERSON



EXPLANATORY NOTE

The purpose of the Bill is to provide for uniform holidays and business hours for retail establishments throughout the Province.

An Act to provide for the Controlling of Hours in Retail Establishments

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "retail establishment" means any establish-^{Interpre-}ment or place where goods are sold or offered for sale at retail.^{tation}
2. The Minister of Consumer and Commercial Relations is ^{Administra-}responsible for the administration of this Act.^{tion}
3. This Act does not apply to, ^{Excluded}
 - (a) a retail establishment or that part of a retail establish-^{establish-}ment whose main activity is the sale of, ^{ments}
 - (i) newspapers or periodicals,
 - (ii) tobacco or articles required for the use of tobacco,
 - (iii) meals,
 - (iv) goods to be consumed on the premises, including delicatessen products,
 - (v) pastries, confectionery or dairy products,
 - (vi) pharmaceutical, hygienic or sanitary products,
 - (vii) gasoline, motor oil or fuel oil,
 - (viii) automobiles, trailers or boats,
 - (ix) agricultural machinery, or
 - (x) flowers;

R.S.O. 1970,
c. 249

(b) a government store as defined in *The Liquor Control Act*;

R.S.O. 1970,
cc. 371, 78

(c) a retail establishment in a provincial park established under *The Provincial Parks Act*, a conservation area established under *The Conservation Authorities Act* or a park under the management of The Niagara Parks Commission or The St. Lawrence Parks Commission;

(d) a retail establishment or that part of a retail establishment where goods are sold only as accessory to services rendered in carrying out a contract of lease; or

(e) a retail establishment in a tourist or resort community designated in the regulations during the months of June, July, August and September.

Days when
customer
not
admitted

4.—(1) No customer shall be admitted to a retail establishment on,

(a) New Year's Day;

(b) Good Friday;

(c) Easter Monday;

(d) Victoria Day;

(e) Dominion Day;

(f) Civic Holiday;

(g) Labour Day;

(h) Thanksgiving Day;

(i) Christmas Day; or

(j) the 26th day of December before 1.00 o'clock in the afternoon.

Idem

(2) Except for those days listed in clauses *b*, *c* and *g*, where any day listed in subsection 1 falls on a Sunday, the day next following is in lieu thereof a day when no customer shall be admitted to a retail establishment.

Hours when
customer
not
admitted

5.—(1) No customer shall be admitted to a retail establishment,

(a) before 8.30 o'clock in the morning; or

(b) after 6.00 o'clock in the evening,

on Monday, Tuesday, Wednesday or Saturday.

(2) No customer shall be admitted to a retail establishment, Idem

(a) before 8.30 o'clock in the morning; or

(b) after 10.00 o'clock in the evening,

on a Thursday or Friday.

6. No customer shall remain in a retail establishment for more than thirty minutes after the hour after which it is forbidden to admit customers under section 5. Time limit for customers

7. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

8. The Lieutenant Governor in Council may make regulations designating tourist and resort areas for the purpose of clause *e* of section 3. Regulations

9. This Act comes into force on the 1st day of January, 1973. Commencement

10. This Act may be cited as *The Retail Establishment Business Hours Act, 1972*. Short title

An Act to provide for the Controlling
of Hours in Retail Establishments

1st Reading

June 12th, 1972

2nd Reading

3rd Reading

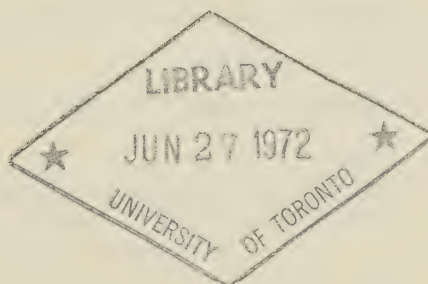
MR. PATERSON

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to establish
The Regional Municipality of Waterloo**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs



EXPLANATORY NOTE

The Bill provides for the formation of seven area municipalities by the amalgamation and annexation of the fifteen local municipalities in the County of Waterloo, together with a portion of the Township of Beverly in the County of Wentworth. It also provides for the dissolution of the County of Waterloo and the incorporation of The Regional Municipality of Waterloo.

The Bill is divided into ten Parts:

PART I	Area municipalities
PART II	Incorporation and Council of Regional Area
PART III	Regional Waterworks System
PART IV	Regional Sewage Works
PART V	Regional Road System
PART VI	Planning
Part VII	Health and Welfare Services
PART VIII	Police
PART IX	Finances
PART X	General

An Act to establish The Regional Municipality of Waterloo

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Galt, the City of Kitchener, the City of Waterloo, the Township of North Dumfries, the Township of Wilmot, the Township of Wellesley and the Township of Woolwich, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (j) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1973, means the area included within the County of Waterloo together with that portion of the Township of Beverley included in the area municipality of the Township of North Dumfries as defined in clause c of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1973, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Waterloo;

- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the City of Galt, The Corporation of the Town of Hespeler and The Corporation of the Town of Preston are amalgamated as a city municipality bearing the name of The Corporation of the City of Galt and the portions of the Township of North Dumfries and the Township of Waterloo described as follows are annexed to such city:

FIRSTLY, part of the Township of North Dumfries, commencing at a point in the northerly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 where it is intersected by the southerly boundary of the City of Galt;

THENCE easterly along the northerly limit of the said Highway Number 8 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE easterly along the northerly limit of the said Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE northerly along the eastern boundary of the said Township of North Dumfries to the northeast angle thereof, the said angle being an angle in the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the northerly limit of the King's Highway Number 97, being also known as Cedar Street;

THENCE northerly and westerly following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE easterly and northerly along the last mentioned boundary to the point of commencement;

THIRDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914, the said point being the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries;

THENCE southerly along the easterly limit of Highway Number 8, as defined, to the boundary between the Township of North Dumfries and the City of Galt, the said boundary being the south limit of the Blenheim Road;

THENCE easterly and northerly following the boundaries of the City of Galt to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general southwesterly direction along the middle of the main channel of the Grand River to the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last-mentioned railway right-of-way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as described in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE easterly along the southerly limit of the said Highway Number 401, being along the northerly boundaries of the Town of Preston and the City of Galt to the easterly boundary of the Township of Waterloo;

THENCE northerly along the easterly boundary of the Township of Waterloo to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Hespeler;

- (b) The Corporation of the City of Kitchener and The Corporation of the Village of Bridgeport are amalgamated as a city municipality bearing the name of The Corporation of the City of Kitchener, and the portion of the City of Waterloo and the portions of the Township of Waterloo, described as follows, are annexed to such city;

FIRSTLY, part of the City of Waterloo, commencing at a point in the boundary between the City of Waterloo and the Village of Bridgeport where the said point is intersected by the easterly limit of the King's Highway Number 85;

THENCE northerly along the easterly limit of the said Highway to the intersection of the westerly prolongation of the northerly boundary of the Village of Bridgeport;

THENCE easterly along the said prolongation to the northwesterly angle of the said Village of Bridgeport;

THENCE southerly, westerly and southerly along the boundaries between the City of Waterloo and the Village of Bridgeport to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at an angle in the boundary of the City of Kitchener, the said angle being at the intersection of the northerly limit of the King's Highway Number 401 and the middle of the main channel of the Grand River;

THENCE northwesterly and northeasterly along the middle of the main channel of the said Grand River, being along the boundary between the Township of Waterloo and the City of Kitchener, to the north-easterly limit of the right-of-way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right-of-way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan,

and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE southwesterly along the southeasterly limit of the said Highway Number 401, being along the boundary between the Township of Waterloo and the Town of Preston, to the south boundary of the said Township of Waterloo;

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

THENCE northerly along the westerly boundaries of the Township of Waterloo to the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots to the westerly boundary of the City of Kitchener;

THENCE southeasterly along the boundaries between the Township of Waterloo and the City of Kitchener to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at a point in the boundary of the City of Kitchener, the said point being intersected by the middle of the main channel of the Grand River and the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE in a general northerly direction along the middle of the main channel of the said Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the boundary of the City of Kitchener;

THENCE southerly along the easterly boundaries of the said City to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the north boundary of the Village of Bridgeport where it is intersected by the east limit of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the easterly prolongation of northerly limit of Lot 7 as shown on Registered Plan No. 1107;

THENCE westerly to and along the northerly limit of the said Lot 7 to an angle in the same;

THENCE southerly and westerly along the limits of said Registered Plan No. 1107 to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly along the east and southeast limit of the said Township Road to the north boundary of the Village of Bridgeport;

THENCE following the boundaries between the Township of Waterloo and the Village of Bridgeport to the point of commencement;

- (c) The portions of the townships of Beverly and North Dumfries, described as follows, are annexed to The Corporation of the Village of Ayr to establish a township municipality bearing the name of The Corporation of the Township of North Dumfries:

FIRSTLY, part of the Township of Beverly, commencing at a point in the west boundary of the Township of Beverly at the intersection of the prolongation of the line between the north and south halves of Lot G of the said Township;

THENCE easterly to and along the line between the north and south halves of the said Lot G and along the line between the north and south halves of lots 1 to 11, both inclusive, in Concession VII of the said Township of Beverly to the line between lots 11 and 12 in the said Concession VII;

THENCE northerly along the line between lots 11 and 12 in concessions VII, VIII, IX, X and its extension northerly, to the northerly boundary of the said Township of Beverly;

THENCE westerly along the northerly boundary of the Township of Beverly to the northwest angle thereof;

THENCE south along the west boundary of the said Township of Beverly to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at the northwest angle of the Township of North Dumfries;

THENCE easterly along the north boundary of the Township of North Dumfries to the southwest angle of the Town of Preston;

THENCE continuing easterly along the boundaries between the Township of North Dumfries and the Town of Preston to an angle in the City of Galt;

THENCE southerly, westerly and southerly along the boundaries between the Township of North Dumfries and the City of Galt to the intersection of the easterly

limit of Lot 17 in Concession XII of the Township of North Dumfries with the east limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of the said King's Highway Number 8;

THENCE southerly along the said limit of the said Highway to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the northerly limit of the said King's Highway Number 8;

THENCE easterly along the north limit of the said Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned King's Highway Number 8 to the easterly boundary of the Township of North Dumfries;

THENCE southerly along the easterly boundary of the Township of North Dumfries to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of North Dumfries to the southwest angle thereof;

THENCE northerly along the west boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Village of Ayr;

- (d) The portion of the City of Waterloo and the portions of the Township of Waterloo described as follows are established as a city municipality bearing the name of The Corporation of the City of Waterloo:

FIRSTLY, part of the City of Waterloo, commencing at the southeast angle of the City of Waterloo at the intersection of the northerly boundary of the Village of Bridgeport;

THENCE westerly along the northerly boundary of the Village of Bridgeport and its prolongation westerly to the easterly limit of the King's Highway Number 85;

THENCE southerly following the easterly limit of the said Highway to the westerly boundary of the Village of Bridgeport;

THENCE following the boundaries of the said Village, the said boundaries being the boundaries between the City of Waterloo and the Village of Bridgeport to the southern boundary of the said City;

THENCE westerly following the boundaries between the cities of Waterloo and Kitchener to the west boundary of the City of Waterloo;

THENCE northerly, easterly and southerly following the various boundaries of the City of Waterloo to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at a point on the westerly boundary of the Township of Waterloo at the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots 39 and 40 to the west boundary of the City of Kitchener;

THENCE northerly and easterly along the boundaries between the Township of Waterloo and the City of Kitchener to the west boundary of the City of Waterloo;

THENCE northerly following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE westerly along the northern boundary of the said Township of Waterloo to the northwest angle thereof;

THENCE southerly along the westerly boundary of the said Township of Waterloo to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at the intersection of the northern boundary of the Township of Waterloo and the middle of the main channel of the Grand River;

THENCE in a general southerly direction following the middle of the main channel of the said Grand River to the easterly prolongation of the northerly limit of Lot 7 as shown on Registered Plan No. 1107;

THENCE westerly to and along the northerly limit of the said Lot 7 to an angle in the same;

THENCE southerly and westerly along the limits of the said Registered Plan No. 1107 to the easterly limit of Township Road Number 47, known as Woolwich Road;

THENCE southerly and southwesterly following the easterly limit of the said Road to the northern boundary of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the easterly boundary of the City of Waterloo;

THENCE following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE easterly along the northern boundary of the said Township of Waterloo to the point of commencement;

- (e) The Corporation of the Village of Wellesley and The Corporation of the Township of Wellesley are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wellesley;
- (f) The Corporation of the Town of New Hamburg and The Corporation of the Township of Wilmot are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wilmot;

- (g) The Corporation of the Town of Elmira and The Corporation of the Township of Woolwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Woolwich and the portion of the Township of Waterloo, described as follows, is annexed to such township;

COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general northwesterly direction along the middle of the main channel of the Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE northwesterly and westerly following the boundaries between the Village of Bridgeport and the Township of Waterloo to the southeast angle of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the northerly boundary of the Township of Waterloo;

THENCE easterly along the north boundary of the said Township of Waterloo to the northeast angle thereof;

THENCE southerly along the easterly boundaries of the Township of Waterloo to the point of commencement;

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1973:

1. The Police Village of Baden.
2. The Police Village of Conestoga.
3. The Police Village of Linwood.
4. The Police Village of St. Clements.
5. The Police Village of St. Jacobs.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations, annexations and dissolutions deemed by Municipal Board orders

R.S.O. 1970, cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

- 1. The City of Galt—Except as may be provided under subsection 3, fourteen members elected by wards.
- 2. The City of Kitchener—Except as may be provided under subsection 3, ten members elected by a general vote of the electors of the area municipality.

3. The City of Waterloo—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
4. The Township of North Dumfries—Except as may be provided under subsection 3, six members elected by wards.
5. The Township of Wilmot—Except as may be provided under subsection 3, nine members elected by wards and one member elected by a general vote of the electors of the municipality.
6. The Township of Wellesley—Except as may be provided under subsection 3, eight members elected by wards.
7. The Township of Woolwich—Except as may be provided under subsection 3, nine members elected by wards.

Election and
term of
office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 16th day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. ...

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be

entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application 1972, c. ...} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

(5) The members of the council of each area municipality ^{Organization committee in 1972} elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

(6) The expenses of the local municipalities for the elections ^{Expenses of first elections} to elect members of the councils of the area municipalities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(7) No area municipality shall have a Board of Control. ^{No board of control}

4. In every area municipality in the year 1974 and thereafter, ^{Subsequent elections} elections for the members of council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in accordance with *The Municipal Elections Act, 1972*.

5. This Part comes into force on the day this Act receives ^{Commencement of Part} Royal Assent.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 25th day of October, 1972, the inhabitants ^{Regional Corporation constituted} of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Waterloo".

(2) The Regional Corporation shall be deemed to be a ^{Deemed municipality under R.S.O. 1970, cc. 118, 323} municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

(3) On and after the 1st day of January, 1973, the Regional Area shall for all judicial purposes be deemed to be a county ^{Regional Area deemed judicial district} and be known as the Judicial District of Waterloo, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference ^{R.S.O. 1970, c. 230} to the treasurer.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Waterloo
deemed
appointments
for Judicial
District of
Waterloo

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1972, in and for the County of Waterloo shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1973, in and for the Judicial District of Waterloo.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

- (a) in the year 1972, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) four members of the council of the area municipality of the City of Galt elected by the members of the said council;
- (c) eight members of the council of the area municipality of the City of Kitchener who at the election for members of council next preceding the organization of the Regional Council in any year received the highest number of votes;
- (d) two members of the council of the area municipality of the City of Waterloo elected by the members of the said council;
- (e) two members of the council of the area municipality of the Township of Woolwich elected by the members of the said council;
- (f) one member elected by general vote of the electors of the area municipality of the Township of Wilmot.

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality which is required to elect a member or members to the Regional Council, shall meet on or before the 19th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974. Method of election of Regional Council in 1972

(3) In the year 1975 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the Regional Council. Biennial election of Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 25th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 25th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member First meeting 1972

of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1973 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and
declaration of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. ^{Place of meeting}

12.—(1) Thirteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsection 3, each member of the Regional Council has one vote only. ^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes. ^{Chairman vote}

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. ^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. ^{Idem}

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. ^{Idem}

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. ^{Other members}

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils. ^{Resignation}

Where board
of council
incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-
tion **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine.

Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies ^{Application of R.S.O. 1970, c. 284} to a chief administrative officer appointed under subsection 2.

18. When the chairman is absent from the Regional Area ^{Acting chairman} or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 ^{Application of R.S.O. 1970, c. 284} and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

20.—(1) The Regional Council shall appoint a clerk whose ^{Appointment of clerk} duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section ^{Acting clerk, first meeting} 9 shall appoint an acting clerk who shall have all the powers

and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in

Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that ^{Petty cash fund} the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this ^{When member may be paid} Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board except school boards of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Dis-
qualification
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application
of R.S.O. 1970,
c. 284

27.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. Holidays

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed by the County of Waterloo or by any roads commission or the health unit for the County of Waterloo or in any undertaking of, or operated Offer of employment

on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1972.

Entitlement to salary (7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972.

Application of R.S.O. 1970, c. 324 (8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of employment (9) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, not less than he was receiving on the 1st day of April, 1972.

Sick leave credits (10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays (11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination of employment (12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commencement of Part **28.** This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. ^{Establishment of waterworks}

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. ^{Waterworks utility commission prohibited}

30.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. ^{Assumption of works and mains}

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. ^{Idem}

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. ^{Interpretation}

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein. ^{Extension of time}

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, ^{Regional liability}

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-
tation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing
agreements

31.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

32.—(1) No area municipality, after the 31st day of December, 1972, shall establish, maintain or operate any works for the production, treatment and storage of water. Power of area municipalities restricted

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 25th day of October, 1972, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1973, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area
R.S.O. 1970, c. 178

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

Rates

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1970,
c. 323, s. 53,
subs. 1, cl. k,
not applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry.

Application
of revenues
R.S.O. 1970,
c. 390

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at

any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide ^{Where levy unnecessary} for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

(3) The moneys forming part of a reserve fund established ^{Reserve fund R.S.O. 1970, c. 470} under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

(4) The moneys forming part of a reserve fund established ^{Application of reserve fund} under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

40.—(1) Subject to section 47, the Regional Corporation may ^{Disposal of property} sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

(2) The proceeds of any such sale, lease or other dis- ^{Proceeds} position shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

41.—(1) The Regional Corporation is not liable for damages ^{Temporary shut-offs} caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards
for local
systems

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of
local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality;
or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Payment of
charges

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional

Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of

supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

Interpre-
tation

50.—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system^{Idem} or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

51.—(1) For the purpose of collecting or receiving from^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the con-^{Sewage works, utilities com-}struction or the control and management of the regional^{mission prohibited} sewage works to a public utilities commission.

52. The Regional Council may pass by-laws for construct-^{Construction, etc., of trunk sewage works}ing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

53.—(1) The Regional Council shall, before the 31st day^{Assumption of treatment works} of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws^{Other works} for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1973.

(3) A by-law under subsection 1 or 2 shall designate and^{Idem} describe the works assumed.

(4) Notwithstanding subsection 1, a by-law for assuming^{Extension of time} any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

(5) Where the Regional Corporation assumes a work or^{Regional liability} watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing
agreements

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may

by order terminate any such agreement and adjust all rights and liabilities thereunder.

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers of area municipalities restricted

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1972, without the approval of the Regional Council. Idem

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. Regulation of system, etc.

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and re-apportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. Idem

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. Payment

Raising of
money by
area
municipality
R.S.O. 1970,
c. 284

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Connecting
to regional
works or
watercourses

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Contracts
for disposal
of sewage

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards
for local
systems

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work ;
- (b) to construct, extend or improve any regional work ;
- (c) to receive any required volume of sewage or land drainage from the area municipality ;
- (d) to approve the construction, alteration, improvement or extension of a local work ; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

61.—(1) The Regional Council may pass by-laws providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special sewage service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1970, c. 284

62. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of combined sewers

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the Transfer of rights over works assumed

same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
regional
works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

66. This part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

67. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

68.—(1) On and after the 1st day of January, 1973, all roads under the jurisdiction and control of the County of Waterloo on the 31st day of December, 1972, shall constitute the

regional road system together with those roads under the jurisdiction and control of the County of Wentworth that are included within the area municipality of the Township of North Dumfries.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of provincial highway to Regional Corporation

R.S.O. 1970, c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of roads in regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of roads from regional road system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 78, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads removed from system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of land acquired for widening regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

Consolidating
by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

69. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of
information
to Minister

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

71. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

72. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Waterloo or the County of Wentworth or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon

such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Waterloo or the County of Wentworth or the area municipality or municipalities or the suburban roads commissions, as the case may be, might have done if the roads had not become part of the regional road system.

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted
R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided
R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1970, c. 201, s. 97, subs. 4, not to apply

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system. Installation of traffic control devices

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

77. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities of
Regional
Corporation

78. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
c. 202

Erection of
gasoline
pump and
advertising
device near
regional road

79.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any

gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

80.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1970,
c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law. Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of regional roads

81. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreements for pedestrian walks

82.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality. Disputes as to maintenance etc., of bridges and highways
R.S.O. 1970,
c. 284

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between
area municipi-
palities
R.S.O. 1970,
c. 284

83. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

84. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

85.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws
R.S.O. 1970,
c. 349

86.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim

Appeal

or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon regional controlled-access road

87. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

88.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 87.

Service of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more

than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 86 was constructed or used, as the case may be, Com-
pensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 87, in which case the making of compensation is subject to any provisions of such by-law.

89.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional
liability
where road
forms part
of system

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem

R.S.O. 1970,
c. 255

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of
doubts

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. Stopping-up
highways

Agreement (2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner **91.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application of R.S.O. 1970, c. 201 **92.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commencement of Part **93.** This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning area **94.—**(1) On and after the 1st day of January, 1973, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Waterloo Planning Area.

Designated municipality (2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area.

Planning areas dissolved (3) All planning areas and subsidiary planning areas that are included in the Waterloo Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Area municipalities subsidiary planning areas (4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1973, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso (5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of official plan (6) When the Minister has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

95.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Waterloo Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Waterloo Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Waterloo Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Waterloo Planning Area in determining the solution of problems or matters affecting the development of the Waterloo Planning Area; and
- (c) consult with any local board having jurisdiction within the Waterloo Planning Area.

(2) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

R.S.O. 1970,
c. 349

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Waterloo Planning Area or any part thereof.

Delegation of
Minister's
powers
R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Waterloo Planning Area are hereby dissolved on the 31st day of December, 1972, and the council of each area municipality shall forthwith after the 1st day of January, 1973, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1973, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

96. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of Part

97. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability
for hospitali-
zation of
indigents

R.S.O. 1970,
cc. 378, 361

98.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Waterloo. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of Waterloo for the purposes mentioned in such section 8 in the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

99.—(1) The Regional Council may pass by-laws for granting, aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 122. Hospital costs form part of regional levy

100.—(1) On and after the 1st day of January, 1973, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and board of health of the health unit so established shall be known as the Waterloo Regional Board of Health. Regional Area to be health unit R.S.O. 1970, c. 377

(2) The health unit serving the County of Waterloo on the 31st day of December, 1972, is hereby dissolved on the Dissolution of Waterloo health unit

1st day of January, 1973, and all the assets and liabilities thereof shall become the assets and liabilities of the Waterloo Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

101.—(1) On and after the 1st day of January, 1973, the Waterloo Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Waterloo Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county
under

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

R.S.O. 1970,
cc. 104, 192,
203

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged R.S.O. 1970, c. 206

(2) The Waterloo County Home for the Aged known as Sunnyside and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1973, without compensation. Waterloo county home for aged vested in Regional Corporation

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1972, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality. Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

105. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed municipality under R.S.O. 1970, c. 64

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1970, c. J-3

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by Adjustments

agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants etc.,
to approved
corporations
under R.S.O.
1970, c. 204

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Commence-
ment of Part

111. This Part comes into force on the 1st day of January, 1973.

PART VIII

POLICE

Interpre-
tation

112. In this Part, "Waterloo Police Board" means the Waterloo Regional Board of Commissioners of Police.

Waterloo
Regional
Board
established
R.S.O. 1970,
c. 351

113.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Waterloo Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a court having jurisdiction in the Judicial District of Waterloo designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Waterloo Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

114.—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according

to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof; R.S.O. 1970,
c. 351

- (b) *The Police Act* does not apply to any area municipality; and
- (c) The Waterloo Police Board and the members of the Waterloo Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall where prosecuted by The Waterloo Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

115.—(1) Every person who is a member of a police force Area police
force of a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Waterloo Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Waterloo
Regional
Police
Force local municipality on the 31st day of December, 1972, and becomes a member of the Waterloo Regional Police Force on the 1st day of January, 1973, is subject to the government of the Waterloo Police Board to the same extent as if appointed by the Waterloo Police Board and the Waterloo Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the Waterloo Regional Police.

(3) Every person who becomes a member of the Waterloo Terms of
employment Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Waterloo Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario

Municipal Employees Retirement System supplementary plan as established for the City of Kitchener Police Force;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Waterloo Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Waterloo Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to serve on a permanent basis in a detachment farther than in an area municipality adjoining the area municipality in which his present detachment headquarters are located.

Joint
bargaining
committee

R.S.O. 1970,
c. 351

(4) On or before the 1st of November, 1972, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Waterloo Police Board in the manner and for the purposes provided in *The Police Act* and the Waterloo Police Board shall be the sole negotiating body to bargain with such committee.

Time of
meeting

(5) The first meeting of the bargaining committee and the Waterloo Police Board shall be held not later than the 30th day of November, 1972.

Assumption
of buildings

116.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Waterloo Police Board any such land or building that the Waterloo Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by area
municipalities
limited

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming ^{Extension of time} any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

(4) Where any part of a building mentioned in subsection 1 ^{Building not used exclusively for police force} is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property ^{Regional Corporation liability} under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment ^{Default} on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation

interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Waterloo Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Waterloo Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Waterloo Police Board, each area municipality, for the use of the Waterloo Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Waterloo Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Waterloo Police Board.

Property
to be
provided

118. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of Part

PART IX

FINANCES

119.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional
Corporation
deemed
regional
municipality

(a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment
of moneys
not
immediately
required
R.S.O. 1970,
c. 284

120. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

121.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall, except in the year 1973, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Waterloo

(3) The amount by which any operating deficit existing for the County of Waterloo on the 31st day of December, 1972, exceeds the total of such county's reserves and building reserve fund on such date shall become a charge on the assessment supporting such deficiency and shall be paid to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1973.

Operating
surplus, etc.,
County of
Waterloo

(4) Where an operating surplus exists for the County of Waterloo on the 31st day of December, 1972, or where an operating deficit exists on such date that does not exceed the total of such county's reserves and building reserve fund on such date, a sum shall be determined equivalent to,

- (a) the audited surplus of the County of Waterloo, together with the total of such county's reserves and building reserve fund on such date; or
- (b) the total of the county's reserves and building reserve fund less the audited deficit of the county on such date,

and such sum shall be apportioned among the City of Galt, the City of Kitchener and the City of Waterloo in the proportion that the weighted, equalized assessment for each city respectively, as ascertained under section 122 for the purpose of apportioning the regional levy for 1973, bears to the total weighted, equalized assessment so ascertained for the three

cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1973.

(5) The Regional Council shall transfer to a reserve for working funds an amount equal to the aggregate of any amounts payable under subsection 4. ^{Reserve for working funds}

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. ^{Application of R.S.O. 1970, cc. 32, 284}

122.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, ^{Levy on area municipalities}

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. ^{Apportionment}

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Equalized assessment}

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. ^{When subs. 4 ceases to apply}

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of ^{Copy to Regional Corporation and area municipality}

the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which

include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* ^{R.S.O. 1970, c. 284,} and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971.* ^{1971, c. 78}

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies ^{Levy by-laws} may be passed as the Regional Council may consider expedient.

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy ^{Regional levy R.S.O. 1970, c. 32} shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under ^{Payment} the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

(16) If an area municipality fails to make any payment as ^{Default} provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

123.—(1) The Ministry of Revenue shall revise, equalize ^{Equalization of assessment of merged areas} and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment of 1973 tax rate

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

124.—(1) Notwithstanding section 122, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 81 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area municipality before
estimates
adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

Levy under
section 123 to
be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303,
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

R.S.O. 1970,
c. 284, s. 303
not to apply

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Regulations
under
R.S.O. 1970,
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the

order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

127.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1973 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purpose of this section and section 129, the audited surplus or operating deficit of each of the cities of Galt, Waterloo and Kitchener at the 31st day of December, 1972, shall be reduced or increased as the case may be by any payment made by that city under section 121. Surplus or operating deficit of certain cities

RESERVES AND RESERVE FUND

128.—(1) Where, under subsection 2 of section 307 of *The Municipal Act*, the County of Waterloo has established reserves, those reserves shall become the reserves of the Regional Corporation. Reserves

(2) The building reserve fund of the County of Waterloo shall become the building reserve fund of the Regional Corporation. Building reserve fund

Interpre-
tation

R.S.O. 1970,
c. 284

129.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31, 1972
to be applied
to supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Arbitration

130.—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Beverly, the Township of North Dumfries and the Township of Waterloo.

Idem

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. Documents and records of divided municipalities

(8) Notwithstanding the provisions of sections 121, 129 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income
R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any Expenditure of reserve fund moneys

purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application of
estimates of
preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such

money as may be borrowed thereon from the time when such money is actually lent.

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Creation
of charge

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Execution of
agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalties
for excess
borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
mis-
application of
revenues by
Regional
Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
mis-
application of
revenues by
officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as
to penalties
R.S.O. 1970.
c. 118

DEBT

134.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt
R.S.O. 1970.
c. 323

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

R.S.O. 1970,
c. 323

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

135. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to incur debt or issue debentures R.S.O. 1970, c. 323

136.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection

Interest on proceeds transferred

2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
alities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application is ^{Application after time expired} not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take ^{Effective date} effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the ^{Consolidation} Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 290 of *The Municipal Act* applies *mutatis* ^{Consolidating debenture by-laws R.S.O. 1970, c. 284} *mutandis* to the Regional Corporation.

(19) The by-law may provide that all the debentures or a ^{Redemption before maturity} portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the

by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed

by the chairman or acting chairman and one other member of the sinking fund committee.

Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- R.S.O. 1970,
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the Regional Corporation;
 - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
 - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts (35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund account (36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under

subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare ^{Sinking fund requirements} and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the Regional Corporation contravenes ^{Offence} subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the Regional Council neglects in any year to levy the ^{Failure to levy} amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if it ^{Where amount in sinking fund account more than sufficient to pay debt} appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund ^{No diversion of sinking funds} shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, the ^{Surplus} sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

- (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of
interest
may be
varied

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose Application of payments

other than the payment of the amounts of principal and interest so becoming due.

Offence for neglect of officer to carry out by-law

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money by-laws may be registered

143.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application to quash registered by-law, when to be made R.S.O. 1970, cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 136, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with. ^{Illegal by-laws not validated}

(7) Failure to register a by-law as prescribed by this section does not invalidate it. ^{Failure to register}

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. ^{Debentures, how sealed and executed}

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. ^{Interest coupons}

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. ^{Mechanical reproduction of signatures}

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. ^{Effect of mechanical reproduction}

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements
as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Debentures surrendered for exchange to be cancelled

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of
proceeds of
sale of asset
acquired
from proceeds
of sale of
debentures

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders
for
debentures

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional

Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

152.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt ;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted ; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Application
of surplus
money

154.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Dis-
qualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

156. In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued, at more than \$5,000.

Commence-
ment of Part

157.—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1973.

Idem

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent.

PART X

GENERAL

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed municipality for R.S.O. 1970, c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of *The Regional Corporation* Vesting of transportation system assets in Regional Corporation

subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Emergency
measures,
civil defence

159.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for R.S.O. 1970, c. 145

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. Expenditures for diffusing information

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. Grants to persons engaged in work advantageous to Regional Area

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Waterloo Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. Payment of damages to employees R.S.O. 1970, c. 505

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including Investigation by county judge of charges of malfeasance

- any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.
- 1971, c. 49
- Fees payable to judge
R.S.O. 1970,
c. 228
- (2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.
- Engaging counsel
- (3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.
- Idem
- (4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.
- Commission of inquiry
- 164.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.
- When commission may issue
- (2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.
- Expenses of commission
- (3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.
- Entry on highways, etc.
- 165.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

166. The Regional Corporation and any area municipality ^{Agreements re services} may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

167.—(1) For the purposes of paragraph 9 of section 3 and ^{Application of R.S.O. 1970, c. 23} section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. ^{Regional Corporation and area municipalities deemed not tenants}

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. ^{Interpretation}

168.—(1) An execution against the Regional Corporation ^{Execution against Regional Corporation} may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Waterloo" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collectors
and assessors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

169.—(1) The Corporation of the County of Waterloo is dissolved on the 1st day of January, 1973.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Waterloo become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Waterloo shall be transferred to the clerk, and on the same date that portion of the Township of Beverly described in clause c of subsection 1 of section 2 is withdrawn from the County of Wentworth for all municipal and school purposes.

(3) The Waterloo County Library Board is dissolved on the 1st day of January, 1973 and all the assets and liabilities thereof shall vest on such date in the Regional Corporation. Dissolution of library board

(4) The Regional Corporation shall for the purposes of *The Public Libraries Act* be deemed to be a board of a county library. Regional Corporation deemed board under R.S.O. 1970, c. 381

(5) The operation of the regional library system shall be limited to the township area municipalities and operating costs thereof shall be apportioned amongst such area municipalities in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 122, bears to the total equalized, weighted assessment for such township area municipalities. Apportionment of library system costs

170.—(1) The Galt Suburban Roads Commission, the Kit-chener Suburban Roads Commission and the Waterloo Suburban Roads Commission are hereby dissolved on the 1st day of January, 1973. Roads commissions dissolved

(2) All the assets and liabilities of the roads commissions referred to in subsection 1 become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the clerk. Assets and liabilities

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Waterloo and roads commissions dissolved under this Act. Powers of Municipal Board

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Settling of doubts
R.S.O. 1970, c. 323

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. Conditional powers

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

- Municipal buildings** **174.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,
- (a) may acquire land for the purpose of constructing municipal buildings; and
 - (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.
- Application of R.S.O. 1970, c. 284, s. 256** (2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.
- Interpretation** **175.**—(1) In this section, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse.
- Receiving and disposing of waste by Regional Corporation** (2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.
- Waste disposal sites** (3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation.
- Payments of principal and interest to area municipalities** (4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.
- Default** (5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies Application of R.S.O. 1970, c. 284, s. 354 *mutatis mutandis*.

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1970, c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils R.S.O. 1970, c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto. Existing speed limits continued

178.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*. Application of R.S.O. 1970, c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction. Distribution of electrical power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a Members of commission continue in office

date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions dissolved

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Members of commission not disqualified as members of Council
R.S.O. 1970, c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Wellesley Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(6) The members of the council of the Village of Wellesley as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Wellesley Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Wellesley, which shall be deemed to be a local board of the area municipality of the Township of Wellesley and all rights and obligations of the Village of Wellesley in relation to the Village of Wellesley Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Wellesley.

Bridgeport Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(7) The members of the council of the Village of Bridgeport as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Bridgeport Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Bridgeport, which shall be deemed to be a local board of the area municipality of the City of Kitchener and all rights and obligations of the Village of Bridgeport in relation to the Village of Bridgeport Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Bridgeport.

Recreation and parks management board
R.S.O. 1970, cc. 120, 73

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of

the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

180.—(1) Notwithstanding section 38 of *The Secondary Election Schools and Boards of Education Act* and section 90 of *The Separate Schools Act*,

- (a) the polling day for the members of The Waterloo County Board of Education and of The Waterloo County Separate School Board in the year 1972 shall be the 16th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix days, times and places for the nomination of candidates for The Waterloo County Board of Education and for The Waterloo County Separate School Board in the year 1972 and provide for the holding of the nomination meetings, and may by order provide for any other matters necessary to hold the elections for such boards,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The Waterloo County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The Waterloo County Separate School Board.

R.S.O. 1970,
cc. 362, 368

(2) Notwithstanding section 38 of *The Secondary Schools and Boards of Education Act* and section 90 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

181.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1973, the Regional Municipality of Waterloo is a school division and the Waterloo County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for the Regional Municipality of Waterloo.

Regional
Municipality,
school
division

(2) Subject to subsection 3, on the 1st day of January, 1973 all real and personal property in the Regional Area that, on the 31st day of December, 1972, was vested in The Wentworth County Board of Education is vested in the divisional board for the Regional Corporation and all debts, contracts, agreements and liabilities for which the Wentworth

Vesting of
property

County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for the Regional Corporation.

Adjustment
of assets and
liabilities

(3) The divisional board for the Regional Corporation and The Wentworth County Board of Education shall adjust in an equitable manner as may be agreed upon the assets and the liabilities as at the 31st day of December, 1972 in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December, including the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every teacher who, immediately before the 1st day of January, 1973 was employed by the Wentworth County Board of Education to teach in a school that on and after the 1st day of January, 1973 is included in the Regional Area shall be deemed to have been made with the divisional board for the Regional Corporation.

s. 244 of
R.S.O. 1970,
c. 284, not
to apply

182. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972.

Public library
boards
R.S.O. 1970,
c. 381

183. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional Area
to pass
by-laws

184. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Expenditures
of Regional
Corporation
during 1972

185. The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Commence-
ment of Part

186.—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

187. This Act may be cited as *The Regional Municipality of Waterloo Act, 1972*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Waterloo or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish
The Regional Municipality
of Waterloo

1st Reading

June 13th, 1972

2nd Reading

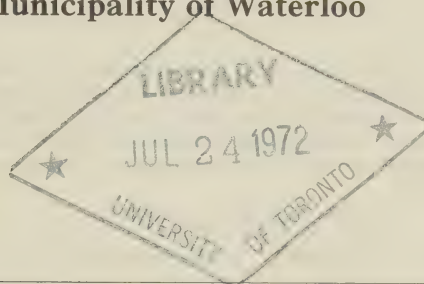
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to establish
The Regional Municipality of Waterloo**



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the formation of seven area municipalities by the amalgamation and annexation of the fifteen local municipalities in the County of Waterloo, together with a portion of the Township of Beverly in the County of Wentworth. It also provides for the dissolution of the County of Waterloo and the incorporation of The Regional Municipality of Waterloo.

The Bill is divided into ten Parts:

PART I	Area municipalities
PART II	Incorporation and Council of Regional Area
PART III	Regional Waterworks System
PART IV	Regional Sewage Works
PART V	Regional Road System
PART VI	Planning
Part VII	Health and Welfare Services
PART VIII	Police
PART IX	Finances
PART X	General

BILL 167

1972

An Act to establish The Regional Municipality of Waterloo

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Galt, the City of Kitchener, the City of Waterloo, the Township of North Dumfries, the Township of Wilmot, the Township of Wellesley and the Township of Woolwich, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (j) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1973, means the area included within the County of Waterloo together with that portion of the Township of Beverley included in the area municipality of the Township of North Dumfries as defined in clause c of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1973, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Waterloo;

- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the City of Galt, The Corporation of the Town of Hespeler and The Corporation of the Town of Preston are amalgamated as a city municipality bearing the name of The Corporation of the City of Galt and the portions of the Township of North Dumfries and the Township of Waterloo described as follows are annexed to such city:

FIRSTLY, part of the Township of North Dumfries, commencing at a point in the northerly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 where it is intersected by the southerly boundary of the City of Galt;

THENCE easterly along the northerly limit of the said Highway Number 8 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE northerly along the eastern boundary of the said Township of North Dumfries to the northeast angle thereof, the said angle being an angle in the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the northerly limit of the King's Highway Number 97, being also known as Cedar Street;

THENCE northerly and westerly following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE easterly and northerly along the last mentioned boundary to the point of commencement;

THIRDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914, the said point being the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries;

THENCE southerly along the easterly limit of Highway Number 8, as defined, to the boundary between the Township of North Dumfries and the City of Galt, the said boundary being the south limit of the Blenheim Road;

THENCE easterly and northerly following the boundaries of the City of Galt to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general southwesterly direction along the middle of the main channel of the Grand River to the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right-of-way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as described in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE easterly along the southerly limit of the said Highway Number 401, being along the northerly boundaries of the Town of Preston and the City of Galt to the easterly boundary of the Township of Waterloo;

THENCE northerly along the easterly boundary of the Township of Waterloo to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Hespeler;

- (b) The Corporation of the City of Kitchener and The Corporation of the Village of Bridgeport are amalgamated as a city municipality bearing the name of The Corporation of the City of Kitchener, and the portion of the City of Waterloo and the portions of the Township of Waterloo, described as follows, are annexed to such city;

FIRSTLY, part of the City of Waterloo, commencing at a point in the boundary between the City of Waterloo and the Village of Bridgeport where the said point is intersected by the easterly limit of the King's Highway Number 85;

THENCE northerly along the easterly limit of the said Highway to the intersection of the westerly prolongation of the northerly boundary of the Village of Bridgeport;

THENCE easterly along the said prolongation to the northwesterly angle of the said Village of Bridgeport;

THENCE southerly, westerly and southerly along the boundaries between the City of Waterloo and the Village of Bridgeport to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at an angle in the boundary of the City of Kitchener, the said angle being at the intersection of the northerly limit of the King's Highway Number 401 and the middle of the main channel of the Grand River;

THENCE northwesterly and northeasterly along the middle of the main channel of the said Grand River, being along the boundary between the Township of Waterloo and the City of Kitchener, to the north-easterly limit of the right-of-way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right-of-way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan,

and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE southwesterly along the southeasterly limit of the said Highway Number 401, being along the boundary between the Township of Waterloo and the Town of Preston, to the south boundary of the said Township of Waterloo;

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

THENCE northerly along the westerly boundaries of the Township of Waterloo to the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots to the westerly boundary of the City of Kitchener;

THENCE southeasterly along the boundaries between the Township of Waterloo and the City of Kitchener to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at a point in the boundary of the City of Kitchener, the said point being intersected by the middle of the main channel of the Grand River and the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE in a general northerly direction along the middle of the main channel of the said Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the boundary of the City of Kitchener;

THENCE southerly along the easterly boundaries of the said City to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the north boundary of the Village of Bridgeport where it is intersected by the east limit of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 29;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly, northeasterly, northerly, north-westerly and westerly following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE southerly along the last mentioned lands to the northerly limit of a 25 foot right of way described in Registered Instrument Number 129175;

THENCE westerly and southwesterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly along the east and southeast limit of the said Township Road to the north boundary of the Village of Bridgeport;

THENCE following the boundaries between the Township of Waterloo and the Village of Bridgeport to the point of commencement;

- (c) The portions of the townships of Beverly and North Dumfries, described as follows, are annexed to The Corporation of the Village of Ayr to establish a township municipality bearing the name of The Corporation of the Township of North Dumfries:

FIRSTLY, part of the Township of Beverly, commencing at a point in the west boundary of the Township of Beverly at the intersection of the prolongation of the line between the north and south halves of Lot G of the said Township;

THENCE easterly to and along the line between the north and south halves of the said Lot G and along the line between the north and south halves of lots 1 to 11, both inclusive, in Concession VII of the said Township of Beverly to the line between lots 11 and 12 in the said Concession VII;

THENCE northerly along the line between lots 11 and 12 in concessions VII, VIII, IX, X and its extension northerly, to the northerly boundary of the said Township of Beverly;

THENCE westerly along the northerly boundary of the Township of Beverly to the northwest angle thereof;

THENCE south along the west boundary of the said Township of Beverly to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at the northwest angle of the Township of North Dumfries;

THENCE easterly along the north boundary of the Township of North Dumfries to the southwest angle of the Town of Preston;

THENCE continuing easterly along the boundaries between the Township of North Dumfries and the Town of Preston to an angle in the City of Galt;

THENCE southerly, westerly and southerly along the boundaries between the Township of North Dumfries and the City of Galt to the intersection of the easterly

limit of Lot 17 in Concession XII of the Township of North Dumfries with the east limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of the said King's Highway Number 8;

THENCE southerly along the said limit of the said Highway to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the northerly limit of the said King's Highway Number 8;

THENCE easterly along the north limit of the said Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned King's Highway Number 8 to the easterly boundary of the Township of North Dumfries;

THENCE southerly along the easterly boundary of the Township of North Dumfries to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of North Dumfries to the southwest angle thereof;

THENCE northerly along the west boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Village of Ayr;

- (d) The portion of the City of Waterloo and the portions of the Township of Waterloo described as follows are established as a city municipality bearing the name of The Corporation of the City of Waterloo:

FIRSTLY, part of the City of Waterloo, commencing at the southeast angle of the City of Waterloo at the

intersection of the northerly boundary of the Village of Bridgeport;

THENCE westerly along the northerly boundary of the Village of Bridgeport and its prolongation westerly to the easterly limit of the King's Highway Number 85;

THENCE southerly following the easterly limit of the said Highway to the westerly boundary of the Village of Bridgeport;

THENCE following the boundaries of the said Village, the said boundaries being the boundaries between the City of Waterloo and the Village of Bridgeport to the southern boundary of the said City;

THENCE westerly following the boundaries between the cities of Waterloo and Kitchener to the west boundary of the City of Waterloo;

THENCE northerly, easterly and southerly following the various boundaries of the City of Waterloo to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at a point on the westerly boundary of the Township of Waterloo at the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots 39 and 40 to the west boundary of the City of Kitchener;

THENCE northerly and easterly along the boundaries between the Township of Waterloo and the City of Kitchener to the west boundary of the City of Waterloo;

THENCE northerly following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE westerly along the northern boundary of the said Township of Waterloo to the northwest angle thereof;

THENCE southerly along the westerly boundary of the said Township of Waterloo to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at the intersection of the northern boundary of the Township of Waterloo and the middle of the main channel of the Grand River;

THENCE in an easterly direction following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE northerly along the last mentioned lands to the northerly limit of the 25 foot right of way described in Registered Instrument Number 129175;

THENCE easterly and northeasterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly following the easterly limit of the said Road to the northern boundary of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the easterly boundary of the City of Waterloo;

THENCE following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE easterly along the northern boundary of the said Township of Waterloo to the point of commencement;

- (e) The Corporation of the Village of Wellesley and The Corporation of the Township of Wellesley are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wellesley;
- (f) The Corporation of the Town of New Hamburg and The Corporation of the Township of Wilmot are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wilmot;
- (g) The Corporation of the Town of Elmira and The Corporation of the Township of Woolwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wool-

wich and the portion of the Township of Waterloo, described as follows, is annexed to such township:

COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general northwesterly direction along the middle of the main channel of the Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE northwesterly and westerly following the boundaries between the Village of Bridgeport and the Township of Waterloo to the southeast angle of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S.

and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the northerly boundary of the Township of Waterloo;

THENCE easterly along the north boundary of the said Township of Waterloo to the northeast angle thereof;

THENCE southerly along the easterly boundaries of the Township of Waterloo to the point of commencement;

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1973:

1. The Police Village of Baden.
2. The Police Village of Conestoga.
3. The Police Village of Linwood.
4. The Police Village of St. Clements.
5. The Police Village of St. Jacobs.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323,
284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The*

Municipal Act and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under sub-section 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Galt—Except as may be provided under subsection 3, fourteen members elected by wards.
2. The City of Kitchener—Except as may be provided under subsection 3, ten members elected by a general vote of the electors of the area municipality.
3. The City of Waterloo—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
4. The Township of North Dumfries—Except as may be provided under subsection 3, six members elected by wards.
5. The Township of Wilmot—Except as may be provided under subsection 3, nine members elected by wards and one member elected by a general vote of the electors of the municipality.

6. The Township of Wellesley—Except as may be provided under subsection 3, eight members elected by wards.
7. The Township of Woolwich—Except as may be provided under subsection 3, nine members elected by wards.

Election and
term of
office

- (2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 16th day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

- (3) For the purposes of the elections of the first councils of the area municipalities,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

- (b) the Minister shall by order,

- (i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

- (ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. ...

- (c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application
1972, c. ...

- (4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1972

- (5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year

necessary for the purposes of organization, policy and planning of the area municipality.

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses of first elections

(7) No area municipality shall have a Board of Control. No board of control

(8) In the event that a General Election is called for the election of members to the Parliament of Canada on the 16th day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 and make all other necessary amendments for the incorporation of The Regional Municipality of Waterloo, the matters consequent upon the holding of the election including the date for the election of school boards in the Regional Area. Power of Minister to change election date

4. In every area municipality in the year 1974 and thereafter, elections for the members of council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in accordance with *The Municipal Elections Act, 1972*. Subsequent elections

5. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 25th day of October, 1972, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Waterloo". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1970, cc. 118, 323

(3) On and after the 1st day of January, 1973, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Waterloo, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer. Regional Area deemed judicial district R.S.O. 1970, c. 230

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Waterloo
deemed
appointments
for Judicial
District of
Waterloo

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1972, in and for the County of Waterloo shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1973, in and for the Judicial District of Waterloo.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

- (a) in the year 1972, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) four members of the council of the area municipality of the City of Galt elected by the members of the said council;
- (c) eight members of the council of the area municipality of the City of Kitchener who at the election for members of council next preceding the organization of the Regional Council in any year received the highest number of votes;
- (d) two members of the council of the area municipality of the City of Waterloo elected by the members of the said council;
- (e) two members of the council of the area municipality of the Township of Woolwich elected by the members of the said council;
- (f) one member elected by general vote of the electors of the area municipality of the Township of Wilmot.

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality which is required to elect a member or members to the Regional Council, shall meet on or before the 19th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974. Method of election of Regional Council in 1972

(3) In the year 1975 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the Regional Council. Biennial election of Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 25th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman a member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 25th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member First meeting 1972

of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1973 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and
declaration of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. ^{Place of meeting}

12.—(1) Thirteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsection 3, each member of the Regional Council has one vote only. ^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes. ^{Chairman vote}

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. ^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. ^{Idem}

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. ^{Idem}

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. ^{Other members}

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils. ^{Resignation}

- Where board of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.
- Remuneration **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine.
- Idem (2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.
- Committees **15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.
- Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.
- Procedural by-laws **16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.
- Head of Council **17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.
- Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,
- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
 - (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
 - (c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies ^{Application of R.S.O. 1970, c. 284} to a chief administrative officer appointed under subsection 2.

18. When the chairman is absent from the Regional Area ^{Acting chairman} or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 ^{Application of R.S.O. 1970, c. 284} and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

20.—(1) The Regional Council shall appoint a clerk whose ^{Appointment of clerk} duty it is,

(a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section ^{Acting clerk, first meeting} 9 shall appoint an acting clerk who shall have all the powers

and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in

Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that ^{Petty cash fund} the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this ^{When member may be paid} Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed.

(5) The treasurer is not liable for money paid by him in ^{Treasurer's liability limited} accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board except school boards of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Dis-
qualification
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application
of R.S.O. 1970,
c. 284

27.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Where the Regional Corporation or a local board ^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board thereof ^{Idem} employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

(4) Where the Regional Corporation or a local board thereof ^{Sick leave credits} employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(5) Where the Regional Corporation or a local board thereof ^{Holidays} employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person ^{Offer of employment} who, on the 1st day of April, 1972, is employed by the County of Waterloo or by the Waterloo County Area Planning Board or by any roads commission or the health unit for the County

of Waterloo or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1972.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972.

Application
of R.S.O. 1970,
c. 324

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(9) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, not less than he was receiving on the 1st day of April, 1972.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. ^{Establishment of waterworks}

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. ^{Waterworks utility commission prohibited}

30.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. ^{Assumption of works and mains}

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. ^{Idem}

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. ^{Interpretation}

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein. ^{Extension of time}

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, ^{Regional liability}

(a) no compensation or damages shall be payable to the area municipality or local board;

R.S.O. 1970,
c. 255

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Default

- (6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

- (7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-
tation

- (8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing
agreements

- 31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

- (2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

32.—(1) No area municipality, after the 31st day of December, 1972, shall establish, maintain or operate any works for the production, treatment and storage of water. Power of area municipalities restricted

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 25th day of October, 1972, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1973, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area R.S.O. 1970, c. 178

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

Rates

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1970,
c. 323, s. 53,
subs. 1, cl. k,
not applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry.

Application
of revenues
R.S.O. 1970,
c. 390

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at

any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide ^{Where levy unnecessary} for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

(3) The moneys forming part of a reserve fund established ^{Reserve fund R.S.O. 1970, c. 470} under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

(4) The moneys forming part of a reserve fund established ^{Application of reserve fund} under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

40.—(1) Subject to section 47, the Regional Corporation may ^{Disposal of property} sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

(2) The proceeds of any such sale, lease or other dis- ^{Proceeds} position shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

41.—(1) The Regional Corporation is not liable for damages ^{Temporary shut-offs} caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards
for local
systems

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of
local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work ;
- (b) to construct any extension of the regional distribution system ;
- (c) to maintain or increase the supply of water to the area municipality ;
- (d) to approve the construction or extension of any local water distribution works by the area municipality ;
or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Payment of
charges

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional

Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of

supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

Interpre-
tation

50.—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more inter-connected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system^{Idem} or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

51.—(1) For the purpose of collecting or receiving from^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the con-^{Sewage works,} struction or the control and management of the regional^{utilities com-} sewage works to a public utilities commission.^{mission prohibited}

52. The Regional Council may pass by-laws for construct-^{Construction, etc., of trunk} ing, maintaining, improving, repairing, widening, altering,^{sewage works} diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

53.—(1) The Regional Council shall, before the 31st day^{Assumption of treatment works} of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws^{Other works} for assuming any trunk sewer, trunk sewer system, or water-course vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1973.

(3) A by-law under subsection 1 or 2 shall designate and^{Idem} describe the works assumed.

(4) Notwithstanding subsection 1, a by-law for assuming^{Extension of time} any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

(5) Where the Regional Corporation assumes a work or^{Regional liability} watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing
agreements

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may

by order terminate any such agreement and adjust all rights and liabilities thereunder.

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers of area municipalities restricted

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1972, without the approval of the Regional Council. Idem

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. Regulation of system, etc.

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and re-apportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. Idem

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. Payment

Raising of
money by
area
municipality
R.S.O. 1970,
c. 284

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Connecting
to regional
works or
watercourses

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Contracts
for disposal
of sewage

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards
for local
systems

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

61.—(1) The Regional Council may pass by-laws providing ^{Special sewage service rates} for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

(2) All such charges constitute a debt of the area municipality ^{Idem} to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

(3) The area municipality may pay the amounts chargeable ^{Raising of money by area municipality R.S.O. 1970, c. 284} to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

62. The Regional Council may contribute towards the cost ^{Contribution towards cost of separation of combined sewers} to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

63. The Regional Corporation has, in respect of all works ^{Transfer of rights over works assumed} assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the

same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
regional
works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

66. This part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

67. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

68.—(1) On and after the 1st day of January, 1973, all roads under the jurisdiction and control of the County of Waterloo on the 31st day of December, 1972, shall constitute the

regional road system together with those roads under the jurisdiction and control of the County of Wentworth that are included within the area municipality of the Township of North Dumfries.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Adding or
removing
roads by
by-law

Transfer of
provincial
highway to
Regional
Corporation

R.S.O. 1970,
c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of
roads in
regional
road
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of
roads from
regional road
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 78, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads
removed
from
system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of
land
acquired for
widening
regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

Consolidating by-laws (9) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application of R.S.O. 1970, c. 410 (11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of construction and maintenance **69.** The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of information to Minister **70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution towards expenditures
R.S.O. 1970, c. 201 **71.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance and repair **72.** The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power over roads assumed **73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Waterloo or the County of Wentworth or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon

such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Waterloo or the County of Wentworth or the area municipality or municipalities or the suburban roads commissions, as the case may be, might have done if the roads had not become part of the regional road system.

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipa-
lities may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipa-
lity to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970,
c. 201, s. 97,
subs. 4, not
to apply

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation
of traffic
control
devices

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

77. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities of
Regional
Corporation

78. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
c. 202

Erection of
gasoline
pump and
advertising
device near
regional road

79.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any

gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

80.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 ft. of regional roads

81. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

82.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance etc., of bridges and highways
R.S.O. 1970, c. 284

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between
area municipi-
palities
R.S.O. 1970,
c. 284

83. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

84. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

85.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-laws
R.S.O. 1970,
c. 349

86.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim

Appeal

or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice
and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening
upon regional
controlled-
access road

87. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

88.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 87.

Service of
notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to
comply with
notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more

than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 86 was constructed or used, as the case may be, <sup>Com-
pensation</sup>

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 87, in which case the making of compensation is subject to any provisions of such by-law.

89.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. <sup>Regional
liability
where road
forms part
of system</sup>

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. <sup>Idem
R.S.O. 1970,
c. 255</sup>

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. ^{Default}

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. <sup>Settling of
doubts</sup>

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. <sup>Stopping-up
highways</sup>

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

91. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

92. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commence-
ment of Part

93. This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

94.—(1) On and after the 1st day of January, 1973, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Waterloo Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Waterloo Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Area
muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1973, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of
official
plan

(6) When the Minister has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

95.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Waterloo Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Waterloo Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Waterloo Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Waterloo Planning Area in determining the solution of problems or matters affecting the development of the Waterloo Planning Area; and
- (c) consult with any local board having jurisdiction within the Waterloo Planning Area.

(2) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Waterloo Planning Area or any part thereof.

Delegation of
Minister's
powers

R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Waterloo Planning Area are hereby dissolved on the 31st day of December, 1972, and the council of each area municipality shall forthwith after the 1st day of January, 1973, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1973, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

96. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of Part

97. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability
for hospitali-
zation of
indigents

R.S.O. 1970,
cc. 378, 361

98.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Waterloo. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of Waterloo for the purposes mentioned in such section 8 in the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

99.—(1) The Regional Council may pass by-laws for granting, aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 122. Hospital costs form part of regional levy

100.—(1) On and after the 1st day of January, 1973, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and board of health of the health unit so established shall be known as the Waterloo Regional Board of Health. Regional Area to be health unit R.S.O. 1970, c. 377

(2) The health unit serving the County of Waterloo on the 31st day of December, 1972, is hereby dissolved on the Dissolution of Waterloo health unit

1st day of January, 1973, and all the assets and liabilities thereof shall become the assets and liabilities of the Waterloo Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

101.—(1) On and after the 1st day of January, 1973, the Waterloo Regional Board of Health shall be composed of,

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Waterloo Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county
under

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

R.S.O. 1970,
cc. 104, 192,
203

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged R.S.O. 1970, c. 206

(2) The Waterloo County Home for the Aged known as Sunnyside and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1973, without compensation. Waterloo county home for aged vested in Regional Corporation

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1972, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality. Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

105. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed municipality under R.S.O. 1970, c. 64

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1970, c. J-3

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by Adjustments

agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants etc.,
to approved
corporations
under R.S.O.
1970, c. 204

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Commence-
ment of Part

111. This Part comes into force on the 1st day of January, 1973.

PART VIII

POLICE

Interpre-
tation

112. In this Part, "Waterloo Police Board" means the Waterloo Regional Board of Commissioners of Police.

Waterloo
Regional
Board
established

R.S.O. 1970,
c. 351

113.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Waterloo Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a court having jurisdiction in the Judicial District of Waterloo designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Waterloo Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

114.—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according

to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof; R.S.O. 1970,
c. 351

(b) *The Police Act* does not apply to any area municipality; and

(c) The Waterloo Police Board and the members of the Waterloo Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws Fines of any area municipality, shall where prosecuted by The Waterloo Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

115.—(1) Every person who is a member of a police force Area police
force of a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Waterloo Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a Waterloo
Regional
Police
Force local municipality on the 31st day of December, 1972, and becomes a member of the Waterloo Regional Police Force on the 1st day of January, 1973, is subject to the government of the Waterloo Police Board to the same extent as if appointed by the Waterloo Police Board and the Waterloo Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the Waterloo Regional Police.

(3) Every person who becomes a member of the Waterloo Terms of
employment Regional Police Force under subsection 1 shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Waterloo Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario

Municipal Employees Retirement System supplementary plan as established for the City of Kitchener Police Force;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Waterloo Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Waterloo Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to serve on a permanent basis in a detachment farther than in an area municipality adjoining the area municipality in which his present detachment headquarters are located.

Joint
bargaining
committee

(4) On or before the 1st of November, 1972, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Waterloo Police Board in the manner and for the purposes provided in *The Police Act* and the Waterloo Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1970,
c. 351

Time of
meeting

(5) The first meeting of the bargaining committee and the Waterloo Police Board shall be held not later than the 30th day of November, 1972.

Assumption
of buildings

116.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Waterloo Police Board any such land or building that the Waterloo Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by area
municipalities
limited

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein. ^{Extension of time}

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, ^{Building not used exclusively for police force}

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, ^{Regional Corporation liability}

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation ^{Default}

interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommoda-
tion

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Waterloo Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Waterloo Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(8) At the request of the Waterloo Police Board, each area municipality, for the use of the Waterloo Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Waterloo Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Waterloo Police Board.

Property
to be
provided

118. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of Part

PART IX

FINANCES

119.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Interpre-
tation
R.S.O. 1970,
c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act.

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Regional
Corporation
deemed
regional
municipality

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment
of moneys
not
immediately
required
R.S.O. 1970,
c. 284

120. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

121.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall, except in the year 1973, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Waterloo

(3) The amount by which any operating deficit existing for the County of Waterloo on the 31st day of December, 1972, exceeds the total of such county's reserves and building reserve fund on such date shall become a charge on the assessment supporting such deficiency and shall be paid to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1973.

Operating
surplus, etc.,
County of
Waterloo

(4) Where an operating surplus exists for the County of Waterloo on the 31st day of December, 1972, or where an operating deficit exists on such date that does not exceed the total of such county's reserves and building reserve fund on such date, a sum shall be determined equivalent to,

- (a) the audited surplus of the County of Waterloo, together with the total of such county's reserves and building reserve fund on such date; or
- (b) the total of the county's reserves and building reserve fund less the audited deficit of the county on such date,

and such sum shall be apportioned among the City of Galt, the City of Kitchener and the City of Waterloo in the proportion that the weighted, equalized assessment for each city respectively, as ascertained under section 122 for the purpose of apportioning the regional levy for 1973, bears to the total weighted, equalized assessment so ascertained for the three

cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1973.

(5) The Regional Council shall transfer to a reserve for working funds an amount equal to the aggregate of any amounts payable under subsection 4. Reserve for working funds

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, cc. 32, 284

122.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, Levy on area municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of Copy to Regional Corporation and area municipality

the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1970,
c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which

include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* ^{R.S.O. 1970, c. 284,} and section 4 of *The Provincial Parks Municipal Tax* ^{1971, c. 78} *Assistance Act, 1971.*

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. ^{Levy by-laws}

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{Regional levy R.S.O. 1970, c. 32}

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. ^{Default}

123.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. ^{Equalization of assessment of merged areas}

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment of 1973 tax rate

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

124.—(1) Notwithstanding section 122, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 81 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area municipality before
estimates adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

Levy under
section 123 to
be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303,
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

R.S.O. 1970,
c. 284, s. 303
not to apply

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
public school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Regulations
under
R.S.O. 1970,
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the

order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

127.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1973 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purpose of this section and section 129, the audited surplus or operating deficit of each of the cities of Galt, Waterloo and Kitchener at the 31st day of December, 1972, shall be reduced or increased as the case may be by any payment made by that city under section 121. Surplus or operating deficit of certain cities

RESERVES AND RESERVE FUND

128.—(1) Where, under subsection 2 of section 307 of *The Municipal Act*, the County of Waterloo has established reserves, those reserves shall become the reserves of the Regional Corporation. Reserves

(2) The building reserve fund of the County of Waterloo shall become the building reserve fund of the Regional Corporation. Building reserve fund

Interpre-
tation

R.S.O. 1970,
c. 284

Surplus or
deficit at
Dec. 31, 1972
to be applied
to supporting
assessment

129.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Arbitration

130.—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Beverly, the Township of North Dumfries and the Township of Waterloo.

Idem

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. Documents and records of divided municipalities

(8) Notwithstanding the provisions of sections 121, 129 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made. Period of adjustment

RESERVE FUNDS

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. Idem

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. if Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any Expenditure of reserve fund moneys

purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application of
estimates of
preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such

money as may be borrowed thereon from the time when such money is actually lent.

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

DEBT

134.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability (2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Uncompleted works (4) When an area municipality, prior to the 31st day of December, 1972,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

**Bonds,
debentures,
etc., trustee
investments**

R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

135. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

136.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending issue
and sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection

Interest on
proceeds
transferred

2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. Application after time expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the

by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed

by the chairman or acting chairman and one other member of the sinking fund committee.

Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- R.S.O. 1970,
c. 470
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the Regional Corporation;
 - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
 - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts (35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund account (36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under

subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. Where amount in sinking fund account more than sufficient to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. No diversion of sinking funds

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, Surplus

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

- (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of
interest
may be
varied

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose Application of payments

other than the payment of the amounts of principal and interest so becoming due.

Offence for neglect of officer to carry out by-law

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money by-laws may be registered

143.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application to quash registered by-law, when to be made
R.S.O. 1970, cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 136, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with. ^{Illegal by-laws not validated}

(7) Failure to register a by-law as prescribed by this section does not invalidate it. ^{Failure to register}

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. ^{Debentures, how sealed and executed}

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. ^{Interest coupons}

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. ^{Mechanical reproduction of signatures}

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. ^{Effect of mechanical reproduction}

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....;

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements
as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Debentures surrendered for exchange to be cancelled

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**Use of
proceeds of
sale of asset
acquired
from proceeds
of sale of
debentures**

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

**Tenders
for
debentures**

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional

Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

152.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Application
of surplus
money

154.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Dis-
qualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

156. In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued, at more than \$5,000.

Commence-
ment of Part

157.—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1973.

Idem

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent.

PART X

GENERAL

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed municipality for R.S.O. 1970, c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of Vesting of transportation system assets in Regional Corporation

subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Emergency
measures,
civil defence

159.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Expenditures
for diffusing
information

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Grants to
persons
engaged in
work
advantageous
to Regional
Area

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Waterloo Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of
damages
to employees
R.S.O. 1970,
c. 505

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including

Investigation
by county
judge of
charges of
malfeasance

any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable to judge
R.S.O. 1970,
c. 228 (2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging counsel (3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem (4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission of inquiry **164.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When commission may issue (2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of commission (3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on highways, etc. **165.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

166. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. Agreements re services

167.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1970, c. 23

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

168.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Waterloo" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collectors
and assessors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

169.—(1) The Corporation of the County of Waterloo is dissolved on the 1st day of January, 1973.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Waterloo become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Waterloo shall be transferred to the clerk, and on the same date that portion of the Township of Beverly described in clause *c* of subsection 1 of section 2 is withdrawn from the County of Wentworth for all municipal and school purposes.

(3) The Waterloo County Library Board is dissolved on the 1st day of January, 1973 and all the assets and liabilities thereof shall vest on such date in the Regional Corporation. Dissolution of library board

(4) The Regional Corporation shall for the purposes of *The Public Libraries Act* be deemed to be a board of a county library. Regional Corporation deemed board under R.S.O. 1970, c. 381

(5) The operation of the regional library system shall be limited to the township area municipalities and operating costs thereof shall be apportioned amongst such area municipalities in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 122, bears to the total equalized, weighted assessment for such township area municipalities. Apportionment of library system costs

170.—(1) The Galt Suburban Roads Commission, the Kitchener Suburban Roads Commission and the Waterloo Suburban Roads Commission are hereby dissolved on the 1st day of January, 1973. Roads commissions dissolved

(2) All the assets and liabilities of the roads commissions referred to in subsection 1 become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the clerk. Assets and liabilities

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a, b and d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Waterloo and roads commissions dissolved under this Act. Powers of Municipal Board

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Settling of doubts R.S.O. 1970, c. 323

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. Conditional powers

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

Municipal
buildings

174.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of
R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

175.—(1) In this section, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste
disposal sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation.

Payments of
principal
and interest
to area
municipi-
alities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies ^{Application of R.S.O. 1970, c. 284, s. 354} *mutatis mutandis*.

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. ^{Regional Fire Co-ordinator}

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. ^{Existing speed limits continued R.S.O. 1970, c. 202}

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. ^{By-laws of Regional Council and area councils R.S.O. 1970, c. 202}

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto. ^{Existing speed limits continued}

178.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*. ^{Application of R.S.O. 1970, c. 354, s. 108}

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction. ^{Distribution of electrical power}

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a ^{Members of commission continue in office}

date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions dissolved

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Members of commission not disqualified as members of Council
R.S.O. 1970, c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Wellesley Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(6) The members of the council of the Village of Wellesley as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Wellesley Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Wellesley, which shall be deemed to be a local board of the area municipality of the Township of Wellesley and all rights and obligations of the Village of Wellesley in relation to the Village of Wellesley Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Wellesley.

Bridgeport Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(7) The members of the council of the Village of Bridgeport as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Bridgeport Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Bridgeport, which shall be deemed to be a local board of the area municipality of the City of Kitchener and all rights and obligations of the Village of Bridgeport in relation to the Village of Bridgeport Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Bridgeport.

Recreation and parks management board
R.S.O. 1970, cc. 120, 73

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of

the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

180. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Waterloo County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Waterloo County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*,^{Election R.S.O. 1970, cc. 362, 368} 1972, c. 95 in the year 1972,

- (a) the polling day for the members of The Waterloo County Board of Education and of The Waterloo County Roman Catholic Separate School Board shall be the 16th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Waterloo County Board of Education and for The Waterloo County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

181.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1973, the Regional Municipality of Waterloo is a school division and the Waterloo County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for the Regional Municipality of Waterloo.^{Regional Municipality, school division}

(2) Subject to subsection 3, on the 1st day of January, 1973 all real and personal property in the Regional Area that, on the 31st day of December, 1972, was vested in The Wentworth County Board of Education is vested in the divisional board for the Regional Corporation and all debts, contracts, agreements and liabilities for which the Wentworth^{Vesting of property}

County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for the Regional Corporation.

Adjustment
of assets and
liabilities

(3) The divisional board for the Regional Corporation and The Wentworth County Board of Education shall adjust in an equitable manner as may be agreed upon the assets and the liabilities as at the 31st day of December, 1972 in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December, including the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every teacher who, immediately before the 1st day of January, 1973 was employed by the Wentworth County Board of Education to teach in a school that on and after the 1st day of January, 1973 is included in the Regional Area shall be deemed to have been made with the divisional board for the Regional Corporation.

s. 244 of
R.S.O. 1970,
c. 284, not
to apply

182. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972.

Public library
boards
R.S.O. 1970,
c. 381

183. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional Area
to pass
by-laws

184. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Expenditures
of Regional
Corporation
during 1972

185. The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Commence-
ment of Part

186.—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

187. This Act may be cited as *The Regional Municipality of Waterloo Act, 1972*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Waterloo or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish
The Regional Municipality
of Waterloo

1st Reading

June 13th, 1972

2nd Reading

June 23rd, 1972

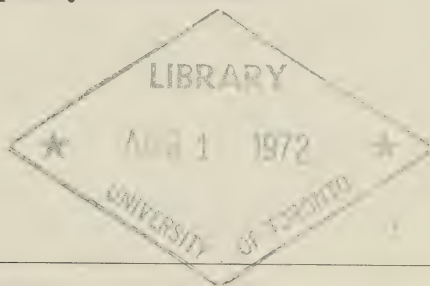
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to establish
The Regional Municipality of Waterloo**



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

TORONTO

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An Act to establish The Regional Municipality of Waterloo

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Galt, the City of Kitchener, the City of Waterloo, the Township of North Dumfries, the Township of Wilmot, the Township of Wellesley and the Township of Woolwich, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or

easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (j) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 91;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1973, means the area included within the County of Waterloo together with that portion of the Township of Beverley included in the area municipality of the Township of North Dumfries as defined in clause c of subsection 1 of section 2, and
 - (ii) on and after the 1st day of January, 1973, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Waterloo;

- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the City of Galt, The Corporation of the Town of Hespeler and The Corporation of the Town of Preston are amalgamated as a city municipality bearing the name of The Corporation of the City of Galt and the portions of the Township of North Dumfries and the Township of Waterloo described as follows are annexed to such city:

FIRSTLY, part of the Township of North Dumfries, commencing at a point in the northerly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 where it is intersected by the southerly boundary of the City of Galt;

THENCE easterly along the northerly limit of the said Highway Number 8 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE northerly along the eastern boundary of the said Township of North Dumfries to the northeast angle thereof, the said angle being an angle in the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the northerly limit of the King's Highway Number 97, being also known as Cedar Street;

THENCE northerly and westerly following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE easterly and northerly along the last mentioned boundary to the point of commencement;

THIRDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914, the said point being the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries;

THENCE southerly along the easterly limit of Highway Number 8, as defined, to the boundary between the Township of North Dumfries and the City of Galt, the said boundary being the south limit of the Blenheim Road;

THENCE easterly and northerly following the boundaries of the City of Galt to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general southwesterly direction along the middle of the main channel of the Grand River to the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right-of-way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as described in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE easterly along the southerly limit of the said Highway Number 401, being along the northerly boundaries of the Town of Preston and the City of Galt to the easterly boundary of the Township of Waterloo;

THENCE northerly along the easterly boundary of the Township of Waterloo to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Hespeler;

- (b) The Corporation of the City of Kitchener and The Corporation of the Village of Bridgeport are amalgamated as a city municipality bearing the name of The Corporation of the City of Kitchener, and the portion of the City of Waterloo and the portions of the Township of Waterloo, described as follows, are annexed to such city:

FIRSTLY, part of the City of Waterloo, commencing at a point in the boundary between the City of Waterloo and the Village of Bridgeport where the said point is intersected by the easterly limit of the King's Highway Number 85;

THENCE northerly along the easterly limit of the said Highway to the intersection of the westerly prolongation of the northerly boundary of the Village of Bridgeport;

THENCE easterly along the said prolongation to the northwesterly angle of the said Village of Bridgeport;

THENCE southerly, westerly and southerly along the boundaries between the City of Waterloo and the Village of Bridgeport to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at an angle in the boundary of the City of Kitchener, the said angle being at the intersection of the northerly limit of the King's Highway Number 401 and the middle of the main channel of the Grand River;

THENCE northwesterly and northeasterly along the middle of the main channel of the said Grand River, being along the boundary between the Township of Waterloo and the City of Kitchener, to the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right-of-way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan,

and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE southwesterly along the southeasterly limit of the said Highway Number 401, being along the boundary between the Township of Waterloo and the Town of Preston, to the south boundary of the said Township of Waterloo;

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

THENCE northerly along the westerly boundaries of the Township of Waterloo to the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots to the westerly boundary of the City of Kitchener;

THENCE southeasterly along the boundaries between the Township of Waterloo and the City of Kitchener to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at a point in the boundary of the City of Kitchener, the said point being intersected by the middle of the main channel of the Grand River and the northeasterly limit of the right-of-way of the Grand River Railway;

THENCE in a general northerly direction along the middle of the main channel of the said Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the boundary of the City of Kitchener;

THENCE southerly along the easterly boundaries of the said City to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the north boundary of the Village of Bridgeport where it is intersected by the east limit of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 29;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly, northeasterly, northerly, northwesterly and westerly following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE southerly along the last mentioned lands to the northerly limit of a 25 foot right of way described in Registered Instrument Number 129175;

THENCE westerly and southwestly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwestly along the east and southeast limit of the said Township Road to the north boundary of the Village of Bridgeport;

THENCE following the boundaries between the Township of Waterloo and the Village of Bridgeport to the point of commencement ;

- (c) The portions of the townships of Beverly and North Dumfries, described as follows, are annexed to The Corporation of the Village of Ayr to establish a township municipality bearing the name of The Corporation of the Township of North Dumfries :

FIRSTLY, part of the Township of Beverly, commencing at a point in the west boundary of the Township of Beverly at the intersection of the prolongation of the line between the north and south halves of Lot G of the said Township ;

THENCE easterly to and along the line between the north and south halves of the said Lot G and along the line between the north and south halves of lots 1 to 11, both inclusive, in Concession VII of the said Township of Beverly to the line between lots 11 and 12 in the said Concession VII ;

THENCE northerly along the line between lots 11 and 12 in concessions VII, VIII, IX, X and its extension northerly, to the northerly boundary of the said Township of Beverly ;

THENCE westerly along the northerly boundary of the Township of Beverly to the northwest angle thereof ;

THENCE south along the west boundary of the said Township of Beverly to the point of commencement ;

SECONDLY, part of the Township of North Dumfries, commencing at the northwest angle of the Township of North Dumfries ;

THENCE easterly along the north boundary of the Township of North Dumfries to the southwest angle of the Town of Preston ;

THENCE continuing easterly along the boundaries between the Township of North Dumfries and the Town of Preston to an angle in the City of Galt ;

THENCE southerly, westerly and southerly along the boundaries between the Township of North Dumfries and the City of Galt to the intersection of the easterly

limit of Lot 17 in Concession XII of the Township of North Dumfries with the east limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of the said King's Highway Number 8;

THENCE southerly along the said limit of the said Highway to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the northerly limit of the said King's Highway Number 8;

THENCE easterly along the north limit of the said Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned King's Highway Number 8 to the easterly boundary of the Township of North Dumfries;

THENCE southerly along the easterly boundary of the Township of North Dumfries to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of North Dumfries to the southwest angle thereof;

THENCE northerly along the west boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Village of Ayr;

- (d) The portion of the City of Waterloo and the portions of the Township of Waterloo described as follows are established as a city municipality bearing the name of The Corporation of the City of Waterloo:

FIRSTLY, part of the City of Waterloo, commencing at the southeast angle of the City of Waterloo at the

intersection of the northerly boundary of the Village of Bridgeport;

THENCE westerly along the northerly boundary of the Village of Bridgeport and its prolongation westerly to the easterly limit of the King's Highway Number 85;

THENCE southerly following the easterly limit of the said Highway to the westerly boundary of the Village of Bridgeport;

THENCE following the boundaries of the said Village, the said boundaries being the boundaries between the City of Waterloo and the Village of Bridgeport to the southern boundary of the said City;

THENCE westerly following the boundaries between the cities of Waterloo and Kitchener to the west boundary of the City of Waterloo;

THENCE northerly, easterly and southerly following the various boundaries of the City of Waterloo to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at a point on the westerly boundary of the Township of Waterloo at the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots 39 and 40 to the west boundary of the City of Kitchener;

THENCE northerly and easterly along the boundaries between the Township of Waterloo and the City of Kitchener to the west boundary of the City of Waterloo;

THENCE northerly following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE westerly along the northern boundary of the said Township of Waterloo to the northwest angle thereof;

THENCE southerly along the westerly boundary of the said Township of Waterloo to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at the intersection of the northern boundary of the Township of Waterloo and the middle of the main channel of the Grand River;

THENCE in an easterly direction following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE northerly along the last mentioned lands to the northerly limit of the 25 foot right of way described in Registered Instrument Number 129175;

THENCE easterly and northeasterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly following the easterly limit of the said Road to the northern boundary of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the easterly boundary of the City of Waterloo;

THENCE following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE easterly along the northern boundary of the said Township of Waterloo to the point of commencement;

- (e) The Corporation of the Village of Wellesley and The Corporation of the Township of Wellesley are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wellesley;
- (f) The Corporation of the Town of New Hamburg and The Corporation of the Township of Wilmot are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wilmot;
- (g) The Corporation of the Town of Elmira and The Corporation of the Township of Woolwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wool-

wich and the portion of the Township of Waterloo, described as follows, is annexed to such township:

COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general northwesterly direction along the middle of the main channel of the Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE northwesterly and westerly following the boundaries between the Village of Bridgeport and the Township of Waterloo to the southeast angle of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S.

and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the northerly boundary of the Township of Waterloo;

THENCE easterly along the north boundary of the said Township of Waterloo to the northeast angle thereof;

THENCE southerly along the easterly boundaries of the Township of Waterloo to the point of commencement;

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1973:

1. The Police Village of Baden.
2. The Police Village of Conestoga.
3. The Police Village of Linwood.
4. The Police Village of St. Clements.
5. The Police Village of St. Jacobs.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323,
284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The*

Municipal Act and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re names of
area
municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1973, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of councils

1. The City of Galt—Except as may be provided under subsection 3, fourteen members elected by wards.
2. The City of Kitchener—Except as may be provided under subsection 3, ten members elected by a general vote of the electors of the area municipality.
3. The City of Waterloo—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
4. The Township of North Dumfries—Except as may be provided under subsection 3, six members elected by wards.
5. The Township of Wilmot—Except as may be provided under subsection 3, nine members elected by wards and one member elected by a general vote of the electors of the municipality.

6. The Township of Wellesley—Except as may be provided under subsection 3, eight members elected by wards.

7. The Township of Woolwich—Except as may be provided under subsection 3, nine members elected by wards.

Election and
term of
office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1972, and the day for polling shall be the 16th day of October and the first councils elected shall hold office for the years 1973 and 1974.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister shall by order,

(i) provide for nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

1972, c. ...

(c) persons who are qualified under *The Municipal Elections Act, 1972* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1972, and the day of the poll are entitled to be entered on the polling list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Application
1972, c. ...

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization
committee
in 1972

(5) The members of the council of each area municipality elected in the year 1972 shall comprise a committee in their respective area municipalities to do anything in that year

necessary for the purposes of organization, policy and planning of the area municipality.

(6) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses of first elections

(7) No area municipality shall have a Board of Control. No board of control

(8) In the event that a General Election is called for the election of members to the Parliament of Canada on the 16th day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 2 and make all other necessary amendments for the incorporation of The Regional Municipality of Waterloo, the matters consequent upon the holding of the election including the date for the election of school boards in the Regional Area. Power of Minister to change election date

4. In every area municipality in the year 1974 and thereafter, elections for the members of council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in accordance with *The Municipal Elections Act, 1972*. Subsequent elections

5. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

6.—(1) On the 25th day of October, 1972, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Waterloo". Regional Corporation constituted

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1970, cc. 118, 323

(3) On and after the 1st day of January, 1973, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Waterloo, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the treasurer. Regional Area deemed judicial district R.S.O. 1970, c. 230

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Waterloo
deemed
appointments
for Judicial
District of
Waterloo

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1972, in and for the County of Waterloo shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1973, in and for the Judicial District of Waterloo.

Regional
Council to
exercise
corporate
powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

- (a) in the year 1972, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) four members of the council of the area municipality of the City of Galt elected by the members of the said council;
- (c) eight members of the council of the area municipality of the City of Kitchener who at the election for members of council next preceding the organization of the Regional Council in any year received the highest number of votes;
- (d) two members of the council of the area municipality of the City of Waterloo elected by the members of the said council;
- (e) two members of the council of the area municipality of the Township of Woolwich elected by the members of the said council;
- (f) one member elected by general vote of the electors of the area municipality of the Township of Wilmot.

(2) In the year 1972, the committee established by subsection 5 of section 3 for each area municipality which is required to elect a member or members to the Regional Council, shall meet on or before the 19th day of October, 1972, and shall elect the number of members to the Regional Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1972, 1973 and 1974. Method of election of Regional Council in 1972

(3) In the year 1975 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the Regional Council. Biennial election of Regional Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 25th day of October, 1972, to hold office at pleasure during the years 1972 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman a member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 25th day of October, 1972, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member First meeting 1972

of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1973 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1975 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality that he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
and
declaration of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office
R.S.O. 1970,
c. 284

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. ^{Place of meeting}

12.—(1) Thirteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsection 3, each member of the Regional Council has one vote only. ^{One vote}

(3) The chairman does not have a vote except in the event of an equality of votes. ^{Chairman vote}

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. ^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. ^{Idem}

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. ^{Idem}

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. ^{Other members}

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils. ^{Resignation}

Where board
of council
incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-
tion

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1973, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and

- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies ^{Application of R.S.O. 1970, c. 284} to a chief administrative officer appointed under subsection 2.

18. When the chairman is absent from the Regional Area ^{Acting chairman} or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 ^{Application of R.S.O. 1970, c. 284} and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

20.—(1) The Regional Council shall appoint a clerk whose ^{Appointment of clerk} duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section ^{Acting clerk, first meeting} 9 shall appoint an acting clerk who shall have all the powers

and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1972 and thereafter until the Regional Council appoints a clerk under this section.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment
of treasurer

22.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and
disbursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in

Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund ^{Petty cash fund} of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed ^{When member may be paid}.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute ^{Treasurer's liability limited}.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

(c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board except school boards of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Dis-
qualification
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Application
of R.S.O. 1970,
c. 284

27.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. ^{Pensions}

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. ^{Idem}

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. ^{Sick leave credits}

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. ^{Holidays}

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed by the County of Waterloo or by the Waterloo County Area Planning Board or by any roads commission or the health unit for the County ^{Offer of employment}

of Waterloo or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1972.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1973, of not less than he was receiving on the 1st day of April, 1972.

Application
of R.S.O. 1970,
c. 324

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(9) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1973, not less than he was receiving on the 1st day of April, 1972.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of
employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. ^{Establishment of waterworks}

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. ^{Waterworks utility commission prohibited}

30.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. ^{Assumption of works and mains}

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. ^{Idem}

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. ^{Interpretation}

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein. ^{Extension of time}

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, ^{Regional liability}

- (a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-
tation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing
agreements

31.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

32.—(1) No area municipality, after the 31st day of December, 1972, shall establish, maintain or operate any works for the production, treatment and storage of water. Power of area municipalities restricted

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 25th day of October, 1972, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1973, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area
R.S.O. 1970, c. 178

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

Rates

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1970,
c. 323, s. 53,
subs. 1, cl. k,
not applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry.

Application
of revenues
R.S.O. 1970,
c. 390

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at

any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt. ^{Where levy unnecessary}

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. ^{Reserve fund R.S.O. 1970, c. 470}

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. ^{Application of reserve fund}

40.—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board. ^{Disposal of property}

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. ^{Proceeds}

41.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. ^{Temporary shut-offs}

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards
for local
systems

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of
local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality;
or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Payment of
charges

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional

Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 12 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of

supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

Interpre-
tation

50.—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system^{Idem} or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

51.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, 'sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.^{General powers}

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.^{Sewage works, utilities commission prohibited}

52. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.^{Construction, etc., of trunk sewage works}

53.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.^{Assumption of treatment works}

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1973.^{Other works}

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.^{Idem}

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.^{Extension of time}

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,^{Regional liability}

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing
agreements

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may

by order terminate any such agreement and adjust all rights and liabilities thereunder.

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers of area municipalities restricted

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1972, without the approval of the Regional Council. Idem

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. Regulation of system, etc.

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and re-apportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. Idem

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. Payment

Raising of
money by
area
municipality
R.S.O. 1970,
c. 284

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Connecting
to regional
works or
watercourses

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Contracts
for disposal
of sewage

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards
for local
systems

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

61.—(1) The Regional Council may pass by-laws providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special sewage service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1970, c. 284

62. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of sewers

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the Transfer of rights over works assumed

same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
regional
works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of Part

66. This part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

67. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County roads
to constitute
regional road
system

68.—(1) On and after the 1st day of January, 1973, all roads under the jurisdiction and control of the County of Waterloo on the 31st day of December, 1972, shall constitute the

regional road system together with those roads under the jurisdiction and control of the County of Wentworth that are included within the area municipality of the Township of North Dumfries.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of provincial highway to Regional Corporation

R.S.O. 1970, c. 201

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Vesting of roads in regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of roads from regional road system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 78, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads removed from system

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Status of land acquired for widening regional road

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Idem

Consolidating
by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1978, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

69. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of
information
to Minister

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

71. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84 of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintenance
and repair

72. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation.

Power
over roads
assumed

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Waterloo or the County of Wentworth or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon

such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Waterloo or the County of Wentworth or the area municipality or municipalities or the suburban roads commissions, as the case may be, might have done if the roads had not become part of the regional road system.

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

Area municipalities may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1970,
c. 201, s. 97,
subs. 4, not
to apply

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation
of traffic
control
devices

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

77. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities of
Regional
Corporation

78. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
c. 202

Erection of
gasoline
pump and
advertising
device near
regional road

79.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any

gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

80.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law. Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution towards costs of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of regional roads

81. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreements for pedestrian walks

82.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality. Disputes as to maintenance etc., of bridges and highways R.S.O. 1970, c. 284

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between
area municipi-
palities
R.S.O. 1970,
c. 284

83. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

84. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

85.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

86.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim

or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice
and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970,
c. 323, s. 95
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening
upon regional
controlled-
access road

87. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

88.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 87.

Service of
notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to
comply with
notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more

than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 86 was constructed or used, as the case may be, <sup>Com-
pensation</sup>

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 87, in which case the making of compensation is subject to any provisions of such by-law.

89.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. <sup>Regional
liability
where road
forms part
of system</sup>

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. ^{Idem} <sup>R.S.O. 1970,
c. 255</sup>

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. ^{Default}

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. <sup>Settling of
doubts</sup>

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. <sup>Stopping-up
highways</sup>

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

91. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

92. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

Commence-
ment of Part

93. This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

94.—(1) On and after the 1st day of January, 1973, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Waterloo Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Waterloo Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Waterloo Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

Area
muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1973, and the council thereof shall have all the powers of a planning board under *The Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of
official
plan

(6) When the Minister has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

95.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Waterloo Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Waterloo Planning Area, and without limiting the generality of the foregoing it shall,

Planning
duties
of Regional
Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Waterloo Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Waterloo Planning Area in determining the solution of problems or matters affecting the development of the Waterloo Planning Area; and
- (c) consult with any local board having jurisdiction within the Waterloo Planning Area.

(2) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Official
plan

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Appointment
of planning
staff

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 349

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Idem

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Waterloo Planning Area or any part thereof.

Delegation of
Minister's
powers

R.S.O. 1970,
c. 349

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Waterloo Planning Area are hereby dissolved on the 31st day of December, 1972, and the council of each area municipality shall forthwith after the 1st day of January, 1973, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(10) On or before the 1st day of January, 1973, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*.

Application
of
R.S.O. 1970,
c. 349

96. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of Part

97. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability
for hospitali-
zation of
indigents

R.S.O. 1970,
cc. 378, 361

98.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Waterloo. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. Proviso

(4) The 1973 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of Waterloo for the purposes mentioned in such section 8 in the year 1972 and shall be paid to the Regional Corporation. Hospitalization grant 1973 under R.S.O. 1970, c. 293

99.—(1) The Regional Council may pass by-laws for granting, aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 122. Hospital costs form part of regional levy

100.—(1) On and after the 1st day of January, 1973, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and board of health of the health unit so established shall be known as the Waterloo Regional Board of Health. the Regional Area to be health unit R.S.O. 1970, c. 377

(2) The health unit serving the County of Waterloo on the 31st day of December, 1972, is hereby dissolved on the Dissolution of Waterloo health unit

1st day of January, 1973, and all the assets and liabilities thereof shall become the assets and liabilities of the Waterloo Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

101.—(1) On and after the 1st day of January, 1973, the Waterloo Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Waterloo Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed county
under
R.S.O. 1970,
cc. 104, 192,
203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged R.S.O. 1970, c. 206

(2) The Waterloo County Home for the Aged known as Sunnyside and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1973, without compensation. Waterloo county home for aged vested in Regional Corporation

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1972, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality. Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

105. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed municipality under R.S.O. 1970, c. 64

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1973, by any area municipality under section 88 of *The Child Welfare Act*, 1965 and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1970, c. J-3

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by Adjustments

agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants etc.,
to approved
corporations
under R.S.O.
1970, c. 204

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Commence-
ment of Part

111. This Part comes into force on the 1st day of January, 1973.

PART VIII

POLICE

Interpre-
tation

112. In this Part, "Waterloo Police Board" means the Waterloo Regional Board of Commissioners of Police.

Waterloo
Regional
Board
established
R.S.O. 1970,
c. 351

113.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1972, a board of commissioners of police shall be constituted to be known as the Waterloo Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a court having jurisdiction in the Judicial District of Waterloo designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Waterloo Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1970,
c. 351

114.—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according

to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof; ^{R.S.O. 1970, c. 351}

- (b) *The Police Act* does not apply to any area municipality; and
- (c) The Waterloo Police Board and the members of the Waterloo Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

(2) The fines imposed for the contravention of the by-laws ^{Fines} of any area municipality, shall where prosecuted by The Waterloo Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

115.—(1) Every person who is a member of a police force ^{Area police force} of a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Waterloo Regional Police Force, and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1973 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a ^{Waterloo Regional Police Force} local municipality on the 31st day of December, 1972, and becomes a member of the Waterloo Regional Police Force on the 1st day of January, 1973, is subject to the government of the Waterloo Police Board to the same extent as if appointed by the Waterloo Police Board and the Waterloo Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the Waterloo Regional Police.

(3) Every person who becomes a member of the Waterloo ^{Terms of employment} Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Waterloo Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario

Municipal Employees Retirement System supplementary plan as established for the City of Kitchener Police Force;

- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Waterloo Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Waterloo Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to serve on a permanent basis in a detachment farther than in an area municipality adjoining the area municipality in which his present detachment headquarters are located.

Joint
bargaining
committee

R.S.O. 1970,
c. 351

Time of
meeting

Assumption
of buildings

Sale by area
municipalities
limited

(4) On or before the 1st of November, 1972, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Waterloo Police Board in the manner and for the purposes provided in *The Police Act* and the Waterloo Police Board shall be the sole negotiating body to bargain with such committee.

(5) The first meeting of the bargaining committee and the Waterloo Police Board shall be held not later than the 30th day of November, 1972.

116.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Waterloo Police Board any such land or building that the Waterloo Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1972, and the 1st day of January, 1973, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming ^{Extension of time} any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

(4) Where any part of a building mentioned in subsection 1 ^{Building not used exclusively for police force} is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property ^{Regional Corporation liability} under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment ^{Default} on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional Corporation

interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Waterloo Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Waterloo Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Waterloo Police Board, each area municipality, for the use of the Waterloo Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Waterloo Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(10) In the event of any doubt as to whether,

Settling
of doubts

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Waterloo Police Board. Property to be provided

118. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART IX

FINANCES

119.—(1) In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation R.S.O. 1970, c. 32

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of the said Act. Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that, Regional Corporation deemed regional municipality

- (a) for the purposes of any payment under that Act in the year 1973 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Investment
of moneys
not
immediately
required
R.S.O. 1970,
c. 284

120. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

121.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall, except in the year 1973, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Operating
deficit,
County of
Waterloo

(3) The amount by which any operating deficit existing for the County of Waterloo on the 31st day of December, 1972, exceeds the total of such county's reserves and building reserve fund on such date shall become a charge on the assessment supporting such deficiency and shall be paid to the Regional Corporation by the appropriate area municipality or municipalities not later than the 30th day of June, 1973.

Operating
surplus, etc.,
County of
Waterloo

(4) Where an operating surplus exists for the County of Waterloo on the 31st day of December, 1972, or where an operating deficit exists on such date that does not exceed the total of such county's reserves and building reserve fund on such date, a sum shall be determined equivalent to,

(a) the audited surplus of the County of Waterloo, together with the total of such county's reserves and building reserve fund on such date; or

(b) the total of the county's reserves and building reserve fund less the audited deficit of the county on such date,

and such sum shall be apportioned among the City of Galt, the City of Kitchener and the City of Waterloo in the proportion that the weighted, equalized assessment for each city respectively, as ascertained under section 122 for the purpose of apportioning the regional levy for 1973, bears to the total weighted, equalized assessment so ascertained for the three

cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1973.

(5) The Regional Council shall transfer to a reserve for working funds an amount equal to the aggregate of any amounts payable under subsection 4. Reserve for working funds

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, cc. 32, 284

122.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, Levy on area municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of Copy to Regional Corporation and area municipality

the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1970,
c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which

include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 304 of *The Municipal Act* ^{R.S.O. 1970, c. 284,} and section 4 of *The Provincial Parks Municipal Tax* ^{1971, c. 78} *Assistance Act, 1971.*

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. ^{Levy by-laws}

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{Regional levy R.S.O. 1970, c. 32}

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2. ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. ^{Default}

123.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. ^{Equalization of assessment of merged areas}

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1970,
cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Adjustment of 1973 tax rate

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

124.—(1) Notwithstanding section 122, in the year 1973 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1972 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1974 and in subsequent years, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 81 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area municipality before
estimates adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

Levy under
section 123 to
be reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of R.S.O. 1970,
c. 284, s. 303,
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

R.S.O. 1970,
c. 284, s. 303
not to apply

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
public school
purposes on
residential
assessment

R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 123.

Regulations
under
R.S.O. 1970,
c. 425 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the

order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

127.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1973 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1972. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1973, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purpose of this section and section 129, the audited surplus or operating deficit of each of the cities of Galt, Waterloo and Kitchener at the 31st day of December, 1972, shall be reduced or increased as the case may be by any payment made by that city under section 121. Surplus or operating deficit of certain cities

RESERVES AND RESERVE FUND

128.—(1) Where, under subsection 2 of section 307 of *The Municipal Act*, the County of Waterloo has established reserves, those reserves shall become the reserves of the Regional Corporation. Reserves

(2) The building reserve fund of the County of Waterloo shall become the building reserve fund of the Regional Corporation. Building reserve fund

Interpre-
tation

129.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Surplus or
deficit at
Dec. 31, 1972
to be applied
to supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Arbitration

130.—(1) The Minister may, on or before the 1st day of September, 1972, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Beverly, the Township of North Dumfries and the Township of Waterloo.

Idem

(2) Each committee shall consist of the treasurers of the municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1972, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1973.

Final deter-
mination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1972, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents and records of divided municipalities

(8) Notwithstanding the provisions of sections 121, 129 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

Period of adjustment

RESERVE FUNDS

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments and income
R.S.O. 1970, c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any

Expenditure of reserve fund moneys

purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to report on reserve funds (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current borrowings

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1973 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Minister.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such

money as may be borrowed thereon from the time when such money is actually lent.

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

DEBT

134.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

R.S.O. 1970,
c. 323

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

135. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

136.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Proviso

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending issue
and sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection

Interest on
proceeds
transferred

2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipal-
ities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. Application after time expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the

by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed

by the chairman or acting chairman and one other member of the sinking fund committee.

Investments (31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem (32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under

subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the Regional Corporation shall prepare ^{Sinking fund requirements} and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the Regional Corporation contravenes ^{Offence} subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the Regional Council neglects in any year to levy the ^{Failure to levy} amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if it ^{Where amount in sinking fund account more than sufficient to pay debt} appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund ^{No diversion of sinking funds} shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, the ^{Surplus} sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

- (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

When rate of
interest
may be
varied

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose Application of payments

other than the payment of the amounts of principal and interest so becoming due.

Offence for neglect of officer to carry out by-law

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money by-laws may be registered

143.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application to quash registered by-law, when to be made R.S.O. 1970, cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 136, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with. ^{Illegal by-laws not validated}

(7) Failure to register a by-law as prescribed by this section does not invalidate it. ^{Failure to register}

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. ^{Debentures, how sealed and executed}

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. ^{Interest coupons}

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. ^{Mechanical reproduction of signatures}

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. ^{Effect of mechanical reproduction}

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements
as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by
entry in
Debenture
Registry
Book

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement
of lost
debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debentures of
same force
and effect as
debentures
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Debentures
surrendered
for exchange
to be
cancelled

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**Use of
proceeds of
sale of asset
acquired
from proceeds
of sale of
debentures**

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

**Tenders
for
debentures**

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional

Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

152.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Application
of surplus
money

154.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Dis-
qualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

156. In the year 1972, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued, at more than \$5,000.

Commence-
ment of Part

157.—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1973.

Idem

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent.

PART X

GENERAL

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1970, c. 284

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed municipality for R.S.O. 1970, c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. Deemed municipality for R.S.O. 1970, c. 250, s. 88

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, until repealed by the council of an area municipality as it affects such area municipality. By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of Vesting of transportation system assets in Regional Corporation

subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation.

Emergency
measures,
civil defence

159.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Expenditures
for diffusing
information

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under sub-section 3 of section 122, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Grants to
persons
engaged in
work
advantageous
to Regional
Area

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Waterloo Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of
damages
to employees
R.S.O. 1970,
c. 505

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including

Investigation
by county
judge of
charges of
malfeasance

1971, c. 49

any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable
to judge
R.S.O. 1970,
c. 228

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission
of inquiry

164.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways, etc.

165. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

166. The Regional Corporation and any area municipality ^{Agreements re services} may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

167.—(1) For the purposes of paragraph 9 of section 3 and ^{Application of R.S.O. 1970, c. 23} section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where prop- ^{Regional Corporation and area municipalities deemed not tenants} erty belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, “Regional Corporation” and “area ^{Interpretation} municipality” include a local board thereof.

168.—(1) An execution against the Regional Corporation ^{Execution against Regional Corporation} may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Waterloo" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collectors
and assessors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

County
dissolved

169.—(1) The Corporation of the County of Waterloo is dissolved on the 1st day of January, 1973.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Waterloo become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Waterloo shall be transferred to the clerk, and on the same date that portion of the Township of Beverly described in clause c of subsection 1 of section 2 is withdrawn from the County of Wentworth for all municipal and school purposes.

(3) The Waterloo County Library Board is dissolved on the 1st day of January, 1973 and all the assets and liabilities thereof shall vest on such date in the Regional Corporation. Dissolution of library board

(4) The Regional Corporation shall for the purposes of *The Public Libraries Act* be deemed to be a board of a county library. Regional Corporation deemed board under R.S.O. 1970, c. 381

(5) The operation of the regional library system shall be limited to the township area municipalities and operating costs thereof shall be apportioned amongst such area municipalities in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 122, bears to the total equalized, weighted assessment for such township area municipalities. Apportionment of library system costs

170.—(1) The Galt Suburban Roads Commission, the Kit-chener Suburban Roads Commission and the Waterloo Suburban Roads Commission are hereby dissolved on the 1st day of January, 1973. Roads commissions dissolved

(2) All the assets and liabilities of the roads commissions referred to in subsection 1 become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the clerk. Assets and liabilities

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a, b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Waterloo and roads commissions dissolved under this Act. Powers of Municipal Board

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Settling of doubts R.S.O. 1970, c. 323

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. Conditional powers

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

Municipal buildings

174.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of R.S.O. 1970, c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpretation

175.—(1) In this section, “waste” includes ashes, garbage, refuse, industrial waste or municipal refuse.

Receiving and disposing of waste by Regional Corporation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Waste disposal sites

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation.

Payments of principal and interest to area municipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Default

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284, s. 354

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1970, c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils R.S.O. 1970, c. 202

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto. Existing speed limits continued

178.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 108 of *The Power Commission Act*. Application of R.S.O. 1970, c. 354, s. 108

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction. Distribution of electrical power

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a Members of commission continue in office

date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions dissolved

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1973, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Members of commission not disqualified as members of Council
R.S.O. 1970, c. 284

(5) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Wellesley Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(6) The members of the council of the Village of Wellesley as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Wellesley Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Wellesley, which shall be deemed to be a local board of the area municipality of the Township of Wellesley and all rights and obligations of the Village of Wellesley in relation to the Village of Wellesley Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Wellesley.

Bridgeport Village council to be Hydro-Electric Commission

R.S.O. 1970, c. 390

(7) The members of the council of the Village of Bridgeport as it exists on the 31st day of December, 1972, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Bridgeport Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Bridgeport, which shall be deemed to be a local board of the area municipality of the City of Kitchener and all rights and obligations of the Village of Bridgeport in relation to the Village of Bridgeport Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Bridgeport.

Recreation and parks management board
R.S.O. 1970, cc. 120, 73

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of

the area municipality to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

180. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Waterloo County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Waterloo County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*,^{Election R.S.O. 1970, cc. 362, 368} 1972, c. 95 in the year 1972,

- (a) the polling day for the members of The Waterloo County Board of Education and of The Waterloo County Roman Catholic Separate School Board shall be the 16th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area;
- (b) the Minister shall, by order, provide for nomination of candidates for The Waterloo County Board of Education and for The Waterloo County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

181.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1973, the Regional Municipality of Waterloo is a school division and the Waterloo County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for the Regional Municipality of Waterloo.^{Regional Municipality, school division}

(2) Subject to subsection 3, on the 1st day of January, 1973 all real and personal property in the Regional Area that, on the 31st day of December, 1972, was vested in The Wentworth County Board of Education is vested in the divisional board for the Regional Corporation and all debts, contracts, agreements and liabilities for which the Wentworth^{Vesting of property}

County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for the Regional Corporation.

Adjustment
of assets and
liabilities

(3) The divisional board for the Regional Corporation and The Wentworth County Board of Education shall adjust in an equitable manner as may be agreed upon the assets and the liabilities as at the 31st day of December, 1972 in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December, including the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every teacher who, immediately before the 1st day of January, 1973 was employed by the Wentworth County Board of Education to teach in a school that on and after the 1st day of January, 1973 is included in the Regional Area shall be deemed to have been made with the divisional board for the Regional Corporation.

s. 244 of
R.S.O. 1970,
c. 284, not
to apply

182. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1972.

Public library
boards
R.S.O. 1970,
c. 381

183. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Power of
cities in
Regional Area
to pass
by-laws

184. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Expenditures
of Regional
Corporation
during 1972

185. The expenditures of the Regional Corporation during the year 1972 as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Commence-
ment of Part

186.—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

187. This Act may be cited as *The Regional Municipality of Waterloo Act, 1972*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Waterloo or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1st Reading

June 13th, 1972

2nd Reading

June 23rd, 1972

3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

CAZON
XB
-B56

BILL 168

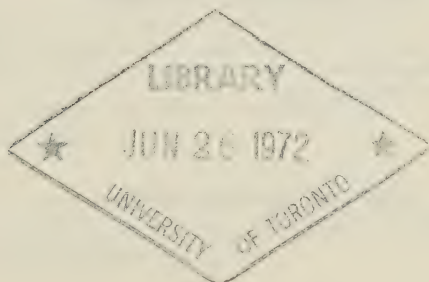
Government Bill

Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Environmental Protection Act, 1971

THE HON. J. A. C. AULD
Minister of the Environment



EXPLANATORY NOTES

The purposes of the Bill are:

1. To provide for hearings, both mandatory and discretionary, with respect to the use or establishment of waste management systems or waste disposal sites.
2. The establishment of a fund based on compulsory payments by operators of waste disposal wells for the reimbursement of expenses incurred in the obtaining of an alternate supply of water where an existing supply is rendered unfit by the operation of any waste well. The protection is extended to users of water for ordinary household purposes, the watering of live stock, poultry, home gardens, lawns or crops.
3. Part VII, dealing primarily with septic and holding tanks, provides for control of the construction, enlargement or alteration of sewage systems by a system of certificates of approval and permits for use or operation. Provision is made for prescribing fees by regulation for such certificates and permits. In addition, persons engaged in the business of constructing, repairing or servicing systems or storing, hauling or disposing of sewage from them will be licensed.
4. The requirement of a certificate of approval for the construction of any plant or equipment discharging a contaminant into the air or on land is revised for purposes of clarification. The requirement is subject to stated exemptions that may be added to by the regulations.
5. Control of the sale, offering for sale and transfer of pesticides will be carried out by a system of classification of pesticides and licensing of persons in respect of the classifications and the premises on, in or from which the sales, offers to sell and transfers will be made. Provision is made for exemptions from the requirement of a licence where control is not required and for the adapting of the licensing requirement to special circumstances.

Other provisions in the Bill are designed for the clarification of existing provisions and improved administration.

SECTION 1.—Subsection 1. The definition of contaminant is amended for clarification and to increase the scope of protection in conjunction with section 14 of the Act.

Subsection 2. Self-explanatory.

BILL 168

1972

**An Act to amend
The Environmental Protection Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, is repealed and the following substituted therefor: s. 1 (c),
re-enacted

- (c) “contaminant” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may,
- (i) impair the quality of the natural environment for any use that can be made of it,
 - (ii) cause injury or damage to property or to plant or animal life,
 - (iii) cause harm or material discomfort to any person,
 - (iv) adversely affect the health or impair the safety of any person, or
 - (v) render any property or plant or animal life unfit for use by man.

(2) The said section 1, as amended by the Statutes of s. 1,
amended Ontario, 1972, chapter 1, section 69, subsection 1, is further amended by adding thereto the following clauses:

- (da) “Hearing Board” means the Environmental Hearing Board established under *The Ontario Water Resources Act*; R.S.O. 1970,
c. 332

.

(ga) "Ministry" means the Ministry of the Environment.

s. 1 (l),
repealed

(3) Clause 1 of the said section 1 is repealed.

s. 8,
re-enacted;
s. 9,
repealed

2. Sections 8 and 9 of the said Act are repealed and the following substituted therefor:

Approval
of Director

8.—(1) No person shall,

- (a) commence to construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may emit or discharge or from which may be emitted or discharged a contaminant into any part of the natural environment other than water; or
- (b) alter a process or rate of production with the result that a contaminant may be emitted or discharged into any part of the natural environment other than water or the rate or manner of emission or discharge of a contaminant into any part of the natural environment other than water may be altered,

unless he has first obtained a certificate of approval issued by the Director of the Air Management Branch of the Ministry for the methods or devices or both to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water.

Director
may require
material

- (2) The Director may require an applicant for a certificate of approval under subsection 1 to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water and, subject to subsection 4, the Director may issue a certificate of approval.

Exceptions

(3) Subsection 1 does not apply to,

- (a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;
- (b) equipment for the combustion of fuel, other than waste incinerators, in buildings or struc-

Subsection 3. The definition of a pollutant is removed since the normal meaning of the word is suitable in the context of the Act.

SECTION 2. Section 8 is re-enacted for purposes of clarification and to set out standards under which the Director may impose terms and conditions in certificates of approval. The repeal of section 9 is complementary to the changes in section 8.

SECTION 3. The subsection is amended in order to increase the scope of protection and to provide more effective enforcement of environmental protection in areas where regulations may not be applicable. The definition of contaminant is limited to the potentiality for harm; this subsection prohibits the discharge of a contaminant in an amount that will or is likely to cause harm.

tures designed for the housing of not more than three families;

- (c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where such equipment, apparatus, mechanism or thing may produce sound or vibration;
- (d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;
- (e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture;
- (f) any motor or motor vehicle that is subject to the provisions of Part III.

- (4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions or alter any terms and conditions in a certificate of approval as he considers necessary,

<sup>Powers of
Director</sup>

- (a) to ensure that any construction, alteration, extension or replacement that is referred to in clause *a* of subsection 1 or that any alteration of a process or rate of production that is referred to in clause *b* of subsection 1, or the methods or devices or both employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water, will result in compliance with this Act and the regulations and any order or approval thereunder;
- (b) on probable grounds, to prevent or alleviate a nuisance, a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

3. Subsection 1 of section 14 of the said Act is repealed and <sup>s. 14 (1),
re-enacted</sup> the following substituted therefor:

- (1) Notwithstanding any other provision of this Act ^{Prohibition} or the regulations, no person shall deposit, add,

emit or discharge a contaminant or cause or permit the deposit, addition, emission or discharge of a contaminant into the natural environment that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render any property or plant or animal life unfit for use by man.

s. 15 (1),
re-enacted

4. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor:

When
Ministry
to be
notified

- (1) Every person who deposits, adds, emits or discharges a contaminant or causes or permits the deposit, addition, emission or discharge of a contaminant into the natural environment out of the normal course of events that,
 - (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
 - (b) causes or is likely to cause injury or damage to property or to plant or animal life;
 - (c) causes or is likely to cause harm or material discomfort to any person;
 - (d) adversely affects or is likely to adversely affect the health of any person;
 - (e) impairs or is likely to impair the safety of any person; or
 - (f) renders or is likely to render any property or plant or animal life unfit for use by man,

shall forthwith notify the Ministry.

SECTION 4. The subsection is amended to conform to the amendment to section 14 of the Act.

SECTION 5.—Subsection 1. Self-explanatory.

Subsection 2. Self-explanatory.

Subsection 3. The definition of “owner” in Part V, Waste Management, is amended for greater clarity.

SECTION 6. The amendment reflects the change in the title to the Act.

SECTION 7. The new section 33a provides for mandatory public hearings in connection with the use or establishment of certain waste disposal sites.

Section 33b provides for the use and establishment of waste disposal sites in an emergency without the necessity of a public hearing.

Section 33c provides for discretionary public hearings in connection with the use or establishment of all other waste disposal sites or waste management systems.

Section 33d gives the Executive Director authority to require the Environmental Hearing Board to hold a public hearing in connection with waste disposal sites and waste management systems on the same basis as public hearings are held under *The Ontario Water Resources Act*.

Section 33e is self-explanatory.

5.—(1) Clause *a* of section 28 of the said Act is amended <sup>s. 28 (a),
amended</sup> by striking out “Department” in the second line and inserting in lieu thereof “Ministry”.

(2) The said section 28 is amended by adding thereto the <sup>s. 28,
amended</sup> following clause:

(aa) “Executive Director” means the Executive Director, Air and Land Pollution Control Division of the Ministry.

(3) Clause *c* of the said section 28 is repealed and the <sup>s. 28 (c),
re-enacted</sup> following substituted therefor:

(c) “owner” includes,

(i) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or

(ii) the person that owns the land in or on which a waste disposal site is located.

(4) The said section 28, as amended by the Statutes of <sup>s. 28,
amended</sup> Ontario, 1972, chapter 1, section 69, subsection 2, is further amended by adding thereto the following clause:

(ca) “owner” in section 46a, means a person that is responsible for the operation of a well that is a waste disposal site.

6. Section 29 of the said Act is amended by striking out <sup>s. 29,
amended</sup> “Commission” in the sixth line.

7. The said Act is amended by adding thereto the following <sup>ss. 33a-33e,
enacted</sup> sections:

33a.—(1) Where the Executive Director receives an appli- <sup>When public
hearing
required</sup> cation for a certificate of approval for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Executive Director ascertains, having regard to the nature and quantity of the waste, is the equivalent of the domestic waste of not less than 1,500 persons, the Executive Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing.

Notice of
hearing

- (2) At least fifteen days notice of the hearing shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to be located and to such other persons and in such manner as the Executive Director may direct.

Where
emergency
situation
exists

- 33b. Notwithstanding the provisions of section 33a, where, in the opinion of the Executive Director, an emergency situation exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life,

and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Executive Director may issue a certificate of approval therefor without holding a public hearing.

Where public
hearing may
be held

- 33c.—(1) Where the Executive Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of,

- (a) a waste management system that does not include a waste disposal site referred to in section 33a; or
- (b) a waste disposal site other than a waste disposal site referred to in section 33a,

the Executive Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing.

Notice of
hearing

- (2) Where a hearing is held under subsection 1, at least fifteen days notice shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the

SECTION 8. Section 35 is amended to authorize an applicant for approval of a waste disposal site to initiate a procedure involving the holding of a public hearing which may lead to an order by the Minister that a municipal by-law will be deemed not to affect the proposed site.

owners or occupants of the lands adjoining any land upon or in which the waste disposal site is located or is intended to be located and to such other persons and in such manner as the Executive Director may direct.

- 33d.—(1) Where the Executive Director is required or permitted to hold a hearing under this Act, he may by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold the hearing. Executive Director may require Hearing Board to hold public hearing
- (2) Upon receipt of notice from the Executive Director, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Executive Director. When Hearing Board to hold public hearing
- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board. Procedure R.S.O. 1970, c. 332
- (4) Where the Executive Director requires the Hearing Board to hold a public hearing, the Executive Director shall not issue or refuse to issue a certificate of approval until he has received and considered the report of the Hearing Board. Executive Director to consider report of Hearing Board
- 33e. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part. Director may act in place of Executive Director

8. Section 35 of the said Act is repealed and the following substituted therefor: s. 35, re-enacted

- 35.—(1) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site. Hearing as to by-law
- (2) Upon receipt of notice from the Minister, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Minister. When Hearing Board to hold public hearing

Procedure
R.S.O. 1970,
c. 332

- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.

Parties and
procedure

- (4) Where the Minister requires a public hearing under subsection 1,

(a) the applicant, the municipality and any other person specified by the Hearing Board shall be given notice of the hearing in such manner as the Hearing Board directs; and

(b) the Hearing Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site.

Order

- (5) The Minister, after receiving the report of the Hearing Board, may order that the by-law referred to in subsection 1 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto.

s. 37,
repealed

9. Section 37 of the said Act is repealed.

s. 39 (1),
amended

10.—(1) Subsection 1 of section 39 of the said Act is amended by inserting after "The" in the first line "Executive".

s. 39 (2),
re-enacted

(2) Subsection 2 of the said section 39 is repealed and the following substituted therefor:

Powers of
Executive
Director

- (2) The Executive Director may,

(a) refuse to issue or renew;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in, a certificate of approval or provisional certificate of approval where,

(d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or

(e) he considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person.

SECTION 9. The section is repealed since notice will be given where a mandatory or discretionary public hearing is held.

SECTION 10. The section is amended to require the Executive Director to consider the report of the Hearing Board before making a decision as to approval of a waste disposal site or waste management system and to authorize the Executive Director to impose terms and conditions in accordance with standards set out in the section.

SECTION 11. The section is amended to include disposal of waste by means of wells for the purpose of waste management.

SECTION 12.—Subsection 1. Subsection 1 is amended to include disposal of waste by means of wells for the purpose of waste management.

Subsection 2. Self-explanatory.

SECTIONS 13, 14 AND 15. Self-explanatory.

SECTION 16. The section provides for the establishment of a fund into which compulsory payments by the operators of waste wells will be paid. The fund will enable reimbursement of the expenses incurred in the obtaining of an alternative supply of water where an existing supply of water is rendered unfit by the operation of any waste well.

11. Section 40 of the said Act is amended by inserting after ^{s. 40,} "upon" in the first line "in, into or through" ^{amended}.

12.—(1) Subsection 1 of section 42 of the said Act is ^{s. 42 (1),} amended by inserting after "upon" in the first line "in, into ^{amended} or through", and by inserting after "the" where it occurs the first time in the third line "Executive".

(2) Subsection 2 of the said section 42 is amended by ^{s. 42 (2),} inserting after "the" where it occurs the second time in the ^{amended} second line "Executive".

13. Section 43 of the said Act is amended by inserting after ^{s. 43,} "the" where it occurs the second time in the second line ^{amended} "Executive".

14. Section 44 of the said Act is amended by inserting ^{s. 44,} after "the" where it occurs the first time in the second line ^{amended} "Executive".

15.—(1) Subsection 1 of section 45 of the said Act is ^{s. 45 (1),} amended by striking out "Director" wherever it occurs and ^{amended} inserting in lieu thereof in each instance "Executive Director".

(2) Subsection 2 of the said section 45 is amended by ^{s. 45 (2),} inserting after "the" where it occurs the second time in the ^{amended} first line "Executive".

(3) Subsection 3 of the said section 45 is amended by ^{s. 45 (3),} inserting after "the" where it occurs the second time in the ^{amended} sixth line "Executive".

(4) Subsection 4 of the said section 45 is amended by ^{s. 45 (4),} inserting after "the" where it occurs the first time in the ^{amended} first line "Executive".

16. The said Act is amended by adding thereto the following ^{s. 46a,} section: ^{enacted}

46a.—(1) There shall be an account in the Consolidated ^{Security} Revenue Fund to be known as "The Waste Well ^{Fund} Disposal Security Fund", referred to in this section as the "Fund", into which shall be paid the prescribed fees received under this Act.

(2) Interest shall be credited to the Fund out of the ^{Interest} Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Owner of
waste
disposal
well to
pay fee

- (3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well.

Fee paid to
Treasurer

- (4) The fee shall be paid to the Treasurer of Ontario for payment into the Fund.

Calculation
and payment
of fee

- (5) The fee shall be at the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year.

Estimate by
Executive
Director

- (6) The Executive Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Executive Director shall estimate the fee on the basis of the amount and type of waste that in his opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the estimated fee as required by subsection 7.

Payment of
estimated
fee

- (7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Executive Director.

Adjustment
of fee

- (8) At the end of each calendar year, the Executive Director shall calculate the amount of the fee for the year and,

(a) where the fee estimated and paid for the year is less than the calculated fee, the Executive Director shall add the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference forthwith to the Treasurer of Ontario; and

(b) where the fee estimated and paid for the year is greater than the calculated fee, the Executive Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Treasurer of Ontario the amount

of such difference and the Treasurer shall pay such amount to the owner of the well.

- (9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he gives notice to the Executive Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection 10 within six months, or such longer period of time as may be determined by the Executive Director, from the date that the Executive Director received the notice that the water has been rendered unfit. ^{Person suffering damage to be compensated}
- (10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Executive Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Executive Director such additional information with respect to the subject-matter of the claim that the Executive Director may require and that is within his knowledge. ^{Claim for compensation}
- (11) The Executive Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection 9 has been rendered unfit for any of the purposes set out therein and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant's reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. ^{Determination by Executive Director}
- (12) The Executive Director shall set out his determination in a certificate and send a copy thereof to the claimant by registered mail at the address set out in the application. ^{Executive Director's certificate}

When
certificate
final

- (13) The certificate of the Executive Director is final at the end of thirty days from the date of mailing it to the claimant unless notice of appeal is served within that time.

Appeal

- (14) The claimant may appeal to the Board at any time before the certificate of the Executive Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment out
of Fund

- (15) Where the Executive Director has sent his certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Executive Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the claimant out of the Fund.

Recovery
of money

- (16) Where a claimant who has received any payment out of the Fund recovers any moneys, directly or indirectly, from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Treasurer of Ontario for credit to the Fund an amount equal to the payment out of the Fund or the moneys received from the owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Recovery of
fees owing

- (17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause *a* of subsection 8 that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown.

s. 47,
amended

17. Section 47 of the said Act is amended by inserting after "43" in the third line "or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval".

Part VI,
heading,
amended

18. The heading to Part VI of the said Act is amended by striking out "Herbicides And".

s. 49 (a),
re-enacted

19.—(1) Clause *a* of section 49 of the said Act is repealed and the following substituted therefor:

- (a) "Director" means the Director of a branch of the Ministry designated by the Minister to administer this Part.

SECTION 17. The section is amended to make it an offence to fail to comply with any term or condition of a certificate of approval in respect of waste management.

SECTION 18. The amendment is complementary to the definition of pesticide that is added to section 49 of the Act.

SECTION 19. Self-explanatory

SECTION 20. The new section 52 provides that the sale, offering for sale or transfer of any pesticide is prohibited unless the pesticide is classified by the regulations and a licence is obtained for that class. The licence will also be in respect of each premises on, in or from which the class of pesticide will be sold, offered for sale or transferred.

Under new section 52*b*, in particular circumstances the Director may modify the general requirements of the regulations and impose special terms and conditions in a licence to meet the circumstances.

Under new section 52*c*, in an emergency the Director is authorized to refuse to renew, suspend or revoke a licence effective immediately but subject to appeal under Part X of the Act.

(2) The said section 49 is amended by adding thereto the ^{s. 49, amended} following clauses:

- (c) "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;
- (d) "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* (Canada) or any suc- ^{R.S.C. 1952, c. 209}cessor thereto.

20. Section 52 of the said Act is repealed and the following ^{s. 52, re-enacted} substituted therefor:

52. Unless exempt by the regulations, no person shall ^{Licence required} sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under the authority of a licence issued by the Director that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred.

52a.—(1) Subject to subsection 2, the Director shall issue ^{Issuance of licence} a licence under section 52 to any person who applies in accordance with this Act and the regulations for a licence and who meets the requirements of this Act and the regulations and who pays the prescribed fee.

(2) The Director may refuse to issue or renew a licence ^{Revocation and refusal of licence} or suspend or revoke a licence where, in the opinion of the Director,

(a) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations;

(b) the applicant or licensee is in contravention of this Act or the regulations; or

(c) the licensee is in breach of any term or condition of the licence.

- Expiration of licence (3) A licence expires with the 31st day of December next following the date on which it is issued or renewed.
- Not transferable (4) A licence is not transferable.
- Exemption 52b. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant or licensee from any provision of the regulations relating to this Part and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, and may alter or revoke the terms and conditions, as the Director considers necessary.
- Emergency order 52c. Notwithstanding subsection 2 of section 79, where the Director is of the opinion that it is necessary for,
- (a) the immediate protection of the safety or health of any person;
 - (b) the protection of the quality of the natural environment for any use that can be made of it; or
 - (c) the prevention of injury or damage to property or to plant or animal life,

the Director, by notice to a licensee with written reasons therefor, may refuse to renew, suspend or revoke the licence of the licensee effective upon the giving of the notice.

s. 55, amended **21.** Section 55 of the said Act is amended by inserting after "regulations" in the second line "or any term or condition of a licence".

Part VII, heading, re-enacted **22.** The heading to Part VII of the said Act is repealed and the following substituted therefor:

SEWAGE SYSTEMS

ss. 56-59, re-enacted **23.** Sections 56, 57, 58 and 59 of the said Act are repealed and the following substituted therefor:

Interpretation 56. In this Part,

- (a) "Director" means the Director of the branch of the Ministry designated by the Minister for the purpose of this Part;

SECTION 21. The amendment makes it an offence to contravene a term or condition of a licence.

SECTION 22. Self-explanatory.

SECTION 23. Section 56 of the Act is amended in order to define the subject-matter in Part VII and to provide for the administration of the Part.

New sections 56*a* and 56*b* are self-explanatory.

Section 57 is amended to provide for control of sewage systems by requiring certificates of approval for construction or changes in the systems and section 59*a* requires permits for their use or operation.

Section 58 is self-explanatory.

Section 59 authorizes the Director to impose terms and conditions for a certificate of approval for sewage systems and sets out the standards for issuing such certificates.

(b) "Executive Director" means the Executive Director, Water Supply and Pollution Control Division of the Ministry;

(c) "sewage system" means,

- (i) a cesspool, a septic tank system, a leaching pit, a leaching bed, a privy, a privy-vault, a holding tank other than a holding tank to which regulations made under clause *n* or *o* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply, a toilet other than a toilet to which regulations made under clause *f* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply and any other sewage works referred to in clause *a* or *c* of subsection 6 of section 42 of *The Ontario Water Resources Act* or any part of any of them, or
- (ii) works, installations, equipment and operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage as designated in the regulations, and includes any land used in connection therewith, but does not include plumbing as defined in the regulations under *The Ontario Water Resources Act*.

56a. Notwithstanding any provision of *The Ontario Water Resources Act* Exception
a sewage system that is subject to the provisions of this Part is not subject to the provisions of *The Ontario Water Resources Act*.

56b. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part. When
Director
may act in
place of
Executive
Director

57. No person shall commence to construct, install, establish, enlarge, extend or alter, Prohibition

- (a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or

(b) any sewage system,

unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director.

Application

58. An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of any work to be undertaken upon issuance of the certificate of approval and such other information as the Director may require and, subject to section 59, the Director may issue a certificate of approval.

Powers of
Director

59. The Director may,

(a) refuse to issue;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in,

a certificate of approval where,

(d) the sewage system or the proposed establishment, construction, operation, installation, enlargement, extension or alteration of the sewage system does not comply with the provisions of this Act or the regulations; or

(e) he considers, upon probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

Permit

- 59a.—(1) No person shall use or operate a sewage system or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the date this Part comes into force in an area to which this Part is made applicable unless a permit for its use or operation has been issued by the Director and, subject to subsection 3, the Director may issue a permit.

Inspection

- (2) Every person who has constructed, installed, established, enlarged, extended or altered a sewage system or any part thereof shall, until a permit under subsection 1 is issued, keep open for inspection or make available for inspection by a provincial

SECTION 24. The subsection is amended to provide that the Executive Director may make an order for the protection of the natural environment where any person does not comply with the terms or conditions of a certificate of approval issued to him under Part VII in respect of sewage systems or where a person undertakes the establishment or a change of a sewage system without having first obtained a certificate of approval therefor.

officer the sewage system or the part thereof that was constructed, installed, established, enlarged, extended or altered.

- (3) The Director shall not issue a permit under subsection 1 where the construction, installation, establishment, enlargement, extension or alteration of the sewage system or part thereof does not comply with a certificate of approval issued therefor under section 57 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 57 has not been issued, he considers, upon probable grounds, that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person until the construction, installation, establishment, enlargement, extension or alteration is inspected by a provincial officer and altered as the Director may require in order that the sewage system or part thereof will not, in the opinion of the Director, create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person.

24. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor:

(1) Where any person,

(a) commences to construct, install, establish, enlarge, extend or alter a building or structure referred to in section 57 or a sewage system and a certificate of approval required under section 57 has not been issued;

(b) commences to construct, install, establish, enlarge, extend or alter a building or structure referred to in section 57 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 57 in respect thereof;

(c) does not construct, operate, clean, empty, disinfect or maintain a sewage system in compliance with the standards prescribed in the regulations; or

(d) uses or operates a sewage system for which a permit required under section 59a has not been issued,

Where
permit not
to be
issued

s. 60 (1),
re-enacted

Where
Executive
Director
may make
order

the Executive Director may make such order as he considers necessary in order to lessen or prevent the deposit, addition, emission or discharge of any contaminant into the natural environment.

s. 61,
re-enacted

25. Section 61 of the said Act is repealed and the following substituted therefor:

Where
licence
required

61.—(1) No person shall engage in the business of,

- (a) constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems; or
- (b) storing, hauling or disposing of sewage from a sewage system,

without having first obtained a licence issued by the Director.

(2) Subject to subsection 3, an applicant for a licence who,

Application
for licence

- (a) pays the prescribed fee; and
- (b) meets the requirements of the regulations,

is entitled to be issued such licence by the Director.

Powers of
Director

(3) The Director may,

- (a) refuse to issue or renew a licence; or
- (b) suspend or revoke a licence,

where the licensee is in contravention of this Act or the regulations or the licensee is in breach of any term or condition of the licence or, where the Director is of the opinion that,

- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the business that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be or is authorized by the licence will not be carried on in accordance with law;

SECTION 25. Section 61 is amended to provide for the licensing of persons engaged in the business of constructing, repairing or servicing systems, or storing or hauling sewage from sewage systems. The section also provides standards for such licensing.

SECTION 26. The amendment makes it an offence to fail to comply with any term or condition of a certificate of approval or a licence under Part VII in respect of a sewage system.

SECTION 27. The new section 77*a* is self-explanatory.

SECTION 28.—Subsection 1. Self-explanatory.

Subsection 2. The amendment permits an appeal where a Director alters a term or condition of a certificate of approval after it is issued.

- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or
 - (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations.
- (4) The Director may impose, alter or revoke terms and ^{Idem} conditions in a licence in order,
- (a) to restrict the area in which a licensee may operate; and
 - (b) to control the method or place or both of storing, hauling, collecting, transferring and disposing of sewage from a sewage system.
- (5) A licence expires twelve months after the date of ^{Expiration of licence} its issue or renewal.
- (6) A licence is not transferable. Not transferable

26. Section 62 of the said Act is amended by striking ^{s. 62, amended} out “of the Director made” in the fourth and fifth lines and inserting in lieu thereof “or fails to comply with any term or condition of a certificate of approval or licence issued”.

27. The said Act is amended by adding thereto the following ^{s. 77a, enacted} section:

77a. In this Part, “Director” means such Directors or ^{Interpre-} Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

28.—(1) Clause *a* of subsection 2 of section 78 of the said ^{s. 78 (2) (a), amended} Act is amended by inserting after “issue” in the first line “or renew”.

(2) Clause *c* of subsection 2 of the said section 78 is ^{s. 78 (2) (c), amended} amended by inserting after “of” in the first line “a certificate of approval, provisional certificate of approval”.

s. 79 (2),
amended

29. Subsection 2 of section 79 of the said Act is amended by inserting after “No” in the first line “imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or” and by inserting after “order” where it occurs the second time in the first line “and a refusal to renew, suspension or revocation under section 52c”.

s. 91,
re-enacted

30. Section 91 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

91. In this Part, “Director” means such Directors or Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

s. 94 (1) (j),
repealed

31.—(1) Clause *j* of subsection 1 of section 94 of the said Act is repealed.

s. 94 (4) (c),
amended

(2) Clause *c* of subsection 4 of the said section 94 is amended by striking out “prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto” in the fourth, fifth, sixth and seventh lines.

s. 94 (4),
amended

(3) Subsection 4 of the said section 94 is amended by adding thereto the following clause:

(*j*) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund.

s. 94 (5) (a),
re-enacted

(4) Clause *a* of subsection 5 of the said section 94 is repealed and the following substituted therefor:

(*a*) prescribing classes of licences and the qualifications and requirements therefor, exempting any class of persons, or the holder of any class of licence from any provision of Part VI or any regulation made under this subsection, and prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers are or will be made that shall attach to any such class of licence and prescribing terms and conditions attaching to any such exemption.

s. 94 (5) (j),
amended

(5) Clause *j* of subsection 5 of the said section 94 is amended by striking out “substances used for extermination” in the second line and inserting in lieu thereof “pesticides”.

SECTION 29. The purpose of the amendment is to ensure that a decision of a Director will not be effective until after the disposition of an appeal except in an emergency.

SECTION 30. Self-explanatory.

SECTION 31.—Subsection 1. Self-explanatory.

Subsection 2. The deleted portion will now be dealt with in the Act rather than by regulation.

Subsection 3. Self-explanatory.

Subsection 4. Clause *a* is amended to complement the licensing provisions in the new section 52.

Subsections 5, 8 and 9. The amendments to clauses *j*, *n* and *o* are complementary to the new definition of pesticide in section 49 of the Act.

Subsection 6. The amendment to clause *k* is complementary to the addition of the new clause *q*.

Subsection 7. Self-explanatory.

Subsection 10. Clauses *q*, *r* and *s* are complementary to the licensing provisions in the new section 52.

Subsection 11. The subsection is amended to conform to the change of title in Part VII of the Act.

Subsection 12. The deleted portion will now be dealt with in the Act rather than by regulation.

SECTION 32. The amendment makes it an offence to contravene or fail to comply with any term or condition of a certificate of approval or a licence issued under the Act.

(6) Clause *k* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (*k*),
amended</sup> by striking out “classifying and designating substances used for extermination, and” in the first and second lines and by striking out “such substances or any of them” in the third and fourth lines and inserting in lieu thereof “pesticides”.

(7) Clauses *l* and *m* of subsection 5 of the said section 94 are <sup>s. 94 (5) (*l, m*),
repealed</sup> repealed.

(8) Clause *n* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (*n*),
amended</sup> by striking out “substances used for extermination” in the first and second lines and inserting in lieu thereof “pesticides” and by striking out “substances” in the third line and inserting in lieu thereof “pesticides”.

(9) Clause *o* of subsection 5 of the said section 94 is <sup>s. 94 (5) (*o*),
amended</sup> amended by striking out “substance used for extermination” in the first and second lines and inserting in lieu thereof “pesticide”.

(10) Subsection 5 of the said section 94 is amended by adding <sup>s. 94 (5),
amended</sup> thereto the following clauses:

(*q*) classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

(*r*) exempting any organism, substance or thing or any class thereof from Part VI or any regulation made under this subsection, or any provision thereof;

(*s*) respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred.

(11) Subsection 6 of the said section 94 is amended by <sup>s. 94 (6),
amended</sup> striking out “private sewage disposal” wherever it occurs and inserting in lieu thereof in each instance “sewage”.

(12) Clause *d* of subsection 6 of the said section 94 is <sup>s. 94 (6) (*d*),
re-enacted</sup> repealed and the following substituted therefor:

(*d*) prescribing fees for certificates of approval and permits for the use or operation of sewage systems or any class or classes thereof.

32. Subsection 1 of section 102 of the said Act is amended <sup>s. 102 (1),
amended</sup> by striking out “made” in the fourth line and inserting in lieu thereof “or any term or condition of a certificate of approval or a licence made or issued”.

s. 103.
amended

33. Section 103 of the said Act is amended by striking out "in Council" in the second line.

Commence-
ment

34.—(1) This Act, except sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

35. This Act may be cited as *The Environmental Protection Amendment Act, 1972*.

SECTION 33. The amendment clarifies the authority to issue a proclamation relating to Part VII of the Act.

An Act to amend
The Environmental Protection Act, 1971

1st Reading

June 13th, 1972

2nd Reading

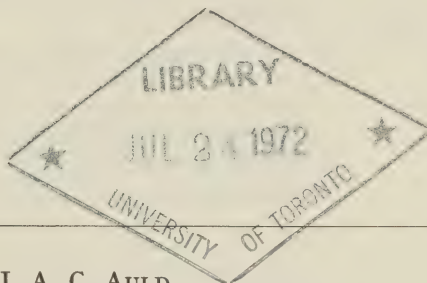
3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Environmental Protection Act, 1971



THE HON. J. A. C. AULD
Minister of the Environment

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purposes of the Bill are:

1. To provide for hearings, both mandatory and discretionary, with respect to the use or establishment of waste management systems or waste disposal sites.
2. The establishment of a fund based on compulsory payments by operators of waste disposal wells for the reimbursement of expenses incurred in the obtaining of an alternate supply of water where an existing supply is rendered unfit by the operation of any waste well. The protection is extended to users of water for ordinary household purposes, the watering of live stock, poultry, home gardens, lawns or crops.
3. Part VII, dealing primarily with septic and holding tanks, provides for control of the construction, enlargement or alteration of sewage systems by a system of certificates of approval and permits for use or operation. Provision is made for prescribing fees by regulation for such certificates and permits. In addition, persons engaged in the business of constructing, repairing or servicing systems or storing, hauling or disposing of sewage from them will be licensed.
4. The requirement of a certificate of approval for the construction of any plant or equipment discharging a contaminant into the air or on land is revised for purposes of clarification. The requirement is subject to stated exemptions that may be added to by the regulations.
5. Control of the sale, offering for sale and transfer of pesticides will be carried out by a system of classification of pesticides and licensing of persons in respect of the classifications and the premises on, in or from which the sales, offers to sell and transfers will be made. Provision is made for exemptions from the requirement of a licence where control is not required and for the adapting of the licensing requirement to special circumstances.

Other provisions in the Bill are designed for the clarification of existing provisions and improved administration.

SECTION 1.—Subsection 1. The definition of contaminant is amended for clarification and to increase the scope of protection in conjunction with section 14 of the Act.

Subsection 2. Self-explanatory.

BILL 168

1972

An Act to amend The Environmental Protection Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

- (c) “contaminant” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may,
- (i) impair the quality of the natural environment for any use that can be made of it,
 - (ii) cause injury or damage to property or to plant or animal life,
 - (iii) cause harm or material discomfort to any person,
 - (iv) adversely affect the health or impair the safety of any person, or
 - (v) render any property or plant or animal life unfit for use by man.

(2) The said section 1, as amended by the Statutes of ^{s. 1, amended} Ontario, 1972, chapter 1, section 69, subsection 1, is further amended by adding thereto the following clauses:

- (da) “Hearing Board” means the Environmental Hearing Board established under *The Ontario Water Resources Act*; ^{R.S.O. 1970, c. 332}
-

(ga) "Ministry" means the Ministry of the Environment.

s. 1 (1),
repealed

(3) Clause 1 of the said section 1 is repealed.

s. 8,
re-enacted;
s. 9,
repealed

2. Sections 8 and 9 of the said Act are repealed and the following substituted therefor:

Approval
of Director

8.—(1) No person shall,

(a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may emit or discharge or from which may be emitted or discharged a contaminant into any part of the natural environment other than water; or

(b) alter a process or rate of production with the result that a contaminant may be emitted or discharged into any part of the natural environment other than water or the rate or manner of emission or discharge of a contaminant into any part of the natural environment other than water may be altered,

unless he has first obtained a certificate of approval issued by the Director of the Air Management Branch of the Ministry for the methods or devices or both to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water.

Director
may require
material

(2) The Director may require an applicant for a certificate of approval under subsection 1 to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water and, subject to subsection 4, the Director may issue a certificate of approval.

Exceptions

(3) Subsection 1 does not apply to,

(a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;

(b) equipment for the combustion of fuel, other than waste incinerators, in buildings or struc-

Subsection 3. The definition of a pollutant is removed since the normal meaning of the word is suitable in the context of the Act.

SECTION 2. Section 8 is re-enacted for purposes of clarification and to set out standards under which the Director may impose terms and conditions in certificates of approval. The repeal of section 9 is complementary to the changes in section 8.

SECTION 3. The subsection is amended in order to increase the scope of protection and to provide more effective enforcement of environmental protection in areas where regulations may not be applicable. The definition of contaminant is limited to the potentiality for harm; this subsection prohibits the discharge of a contaminant in an amount that will or is likely to cause harm.

tures designed for the housing of not more than three families;

- (c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where such equipment, apparatus, mechanism or thing may produce sound or vibration;
 - (d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;
 - (e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture;
 - (f) any motor or motor vehicle that is subject to the provisions of Part III.
- (4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions or alter any terms and conditions in a certificate of approval as he considers necessary,
- (a) to ensure that any construction, alteration, extension or replacement that is referred to in clause *a* of subsection 1 or that any alteration of a process or rate of production that is referred to in clause *b* of subsection 1, or the methods or devices or both employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water, will result in compliance with this Act and the regulations and any order or approval thereunder;
 - (b) on probable grounds, to prevent or alleviate a nuisance, a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

3. Subsection 1 of section 14 of the said Act is repealed and ^{s. 14 (1), re-enacted} the following substituted therefor:

- (1) Notwithstanding any other provision of this Act ^{Prohibition} or the regulations, no person shall deposit, add, emit or discharge a contaminant or cause or permit

the deposit, addition, emission or discharge of a contaminant into the natural environment that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render any property or plant or animal life unfit for use by man.

s. 15 (1),
re-enacted

4. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor:

When
Ministry
to be
notified

- (1) Every person who deposits, adds, emits or discharges a contaminant or causes or permits the deposit, addition, emission or discharge of a contaminant into the natural environment out of the normal course of events that,
 - (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
 - (b) causes or is likely to cause injury or damage to property or to plant or animal life;
 - (c) causes or is likely to cause harm or material discomfort to any person;
 - (d) adversely affects or is likely to adversely affect the health of any person;
 - (e) impairs or is likely to impair the safety of any person; or
 - (f) renders or is likely to render any property or plant or animal life unfit for use by man,

shall forthwith notify the Ministry.

s. 28 (a),
amended

5.—(1) Clause *a* of section 28 of the said Act is amended by striking out "Department" in the second line and inserting in lieu thereof "Ministry".

SECTION 4. The subsection is amended to conform to the amendment to section 14 of the Act.

SECTION 5.—Subsection 1. Self-explanatory.

Subsection 2. Self-explanatory.

Subsection 3. The definition of "owner" in Part V, Waste Management, is amended for greater clarity.

SECTION 6. The amendment reflects the change in the title to the Act.

SECTION 7. The new section 33a provides for mandatory public hearings in connection with the use or establishment of certain waste disposal sites.

Section 33b provides for the use and establishment of waste disposal sites in an emergency without the necessity of a public hearing.

Section 33c provides for discretionary public hearings in connection with the use or establishment of all other waste disposal sites or waste management systems.

Section 33d gives the Executive Director authority to require the Environmental Hearing Board to hold a public hearing in connection with waste disposal sites and waste management systems on the same basis as public hearings are held under *The Ontario Water Resources Act*.

Section 33e is self-explanatory.

(2) The said section 28 is amended by adding thereto the ^{s. 28, amended} following clause:

(aa) "Executive Director" means the Executive Director, Air and Land Pollution Control Division of the Ministry:

(3) Clause *c* of the said section 28 is repealed and the ^{s. 28 (c), re-enacted} following substituted therefor:

(c) "owner" includes,

(i) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or

(ii) the person that owns the land in or on which a waste disposal site is located.

(4) The said section 28, as amended by the Statutes of ^{s. 28, amended} Ontario, 1972, chapter 1, section 69, subsection 2, is further amended by adding thereto the following clause:

(ca) "owner" in section 46*a*, means a person that is responsible for the operation of a well that is a waste disposal site.

6. Section 29 of the said Act is amended by striking out ^{s. 29, amended} "Commission" in the sixth line.

7. The said Act is amended by adding thereto the following ^{ss. 33a-33e, enacted} sections:

33*a*.—(1) Where the Executive Director receives an application for a certificate of approval for the use, ^{When public hearing required} operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Executive Director ascertains, having regard to the nature and quantity of the waste, is the equivalent of the domestic waste of not less than 1,500 persons, the Executive Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing.

(2) At least fifteen days notice of the hearing shall be ^{Notice of hearing} given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to

be located and to such other persons and in such manner as the Executive Director may direct and such notice shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality where the waste disposal site is or is intended to be located provided there is a newspaper having general circulation in the locality and published at least once a week.

Where
emergency
situation
exists

33b. Notwithstanding the provisions of section 33a, where, in the opinion of the Executive Director, an emergency situation exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life,

and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Executive Director may issue a certificate of approval therefor without holding a public hearing.

Where public
hearing may
be held

33c.—(1) Where the Executive Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of,

- (a) a waste management system that does not include a waste disposal site referred to in section 33a; or
- (b) a waste disposal site other than a waste disposal site referred to in section 33a,

the Executive Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing.

Notice of
hearing

(2) Where a hearing is held under subsection 1, at least fifteen days notice shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the

SECTION 8. Section 35 is amended to authorize an applicant for approval of a waste disposal site to initiate a procedure involving the holding of a public hearing which may lead to an order by the Minister that a municipal by-law will be deemed not to affect the proposed site.

owners or occupants of the lands adjoining any land upon or in which the waste disposal site is located or is intended to be located and to such other persons and in such manner as the Executive Director may direct.

- 33d.—(1) Where the Executive Director is required or permitted to hold a hearing under this Act, he may by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold the hearing. Executive Director may require Hearing Board to hold public hearing
- (2) Upon receipt of notice from the Executive Director, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Executive Director. When Hearing Board to hold public hearing
- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board. Procedure R.S.O. 1970, c. 332
- (4) Where the Executive Director requires the Hearing Board to hold a public hearing, the Executive Director shall not issue or refuse to issue a certificate of approval until he has received and considered the report of the Hearing Board. Executive Director to consider report of Hearing Board
- 33e. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part. Director may act in place of Executive Director

8. Section 35 of the said Act is repealed and the following substituted therefor: s. 35, re-enacted

- 35.—(1) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site. Hearing as to by-law
- (2) Upon receipt of notice from the Minister, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Minister. When Hearing Board to hold public hearing

Procedure
R.S.O. 1970,
c. 332

- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.

Parties and
procedure

- (4) Where the Minister requires a public hearing under subsection 1,
- (a) the applicant, the municipality and any other person specified by the Hearing Board shall be given notice of the hearing in such manner as the Hearing Board directs; and
 - (b) the Hearing Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site.

Order

- (5) The Minister, after receiving the report of the Hearing Board, may order that the by-law referred to in subsection 1 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto.

s. 37,
repealed

9. Section 37 of the said Act is repealed.

s. 39 (1),
amended

10.—(1) Subsection 1 of section 39 of the said Act is amended by inserting after "The" in the first line "Executive".

s. 39 (2),
re-enacted

(2) Subsection 2 of the said section 39 is repealed and the following substituted therefor:

Powers of
Executive
Director

- (2) The Executive Director may,
- (a) refuse to issue or renew;
 - (b) suspend or revoke; or
 - (c) impose, alter or revoke terms and conditions in, a certificate of approval or provisional certificate of approval where,
 - (d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or
 - (e) he considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person.

SECTION 9. The section is repealed since notice will be given where a mandatory or discretionary public hearing is held.

SECTION 10. The section is amended to require the Executive Director to consider the report of the Hearing Board before making a decision as to approval of a waste disposal site or waste management system and to authorize the Executive Director to impose terms and conditions in accordance with standards set out in the section.

SECTION 11. The section is amended to include disposal of waste by means of wells for the purpose of waste management.

SECTION 12.—Subsection 1. Subsection 1 is amended to include disposal of waste by means of wells for the purpose of waste management.

Subsection 2. Self-explanatory.

SECTIONS 13, 14 AND 15. Self-explanatory.

SECTION 16. The section provides for the establishment of a fund into which compulsory payments by the operators of waste wells will be paid. The fund will enable reimbursement of the expenses incurred in the obtaining of an alternative supply of water where an existing supply of water is rendered unfit by the operation of any waste well.

11. Section 40 of the said Act is amended by inserting after ^{s. 40,}
"upon" in the first line "in, into or through". ^{amended}

12.—(1) Subsection 1 of section 42 of the said Act is ^{s. 42 (1),}
amended by inserting after "upon" in the first line "in, into ^{amended}
or through", and by inserting after "the" where it occurs
the first time in the third line "Executive".

(2) Subsection 2 of the said section 42 is amended by ^{s. 42 (2),}
inserting after "the" where it occurs the second time in the ^{amended}
second line "Executive".

13. Section 43 of the said Act is amended by inserting after ^{s. 43,}
"the" where it occurs the second time in the second line ^{amended}
"Executive".

14. Section 44 of the said Act is amended by inserting ^{s. 44,}
after "the" where it occurs the first time in the second line ^{amended}
"Executive".

15.—(1) Subsection 1 of section 45 of the said Act is ^{s. 45 (1),}
amended by striking out "Director" wherever it occurs and ^{amended}
inserting in lieu thereof in each instance "Executive Director".

(2) Subsection 2 of the said section 45 is amended by ^{s. 45 (2),}
inserting after "the" where it occurs the second time in the ^{amended}
first line "Executive".

(3) Subsection 3 of the said section 45 is amended by ^{s. 45 (3),}
inserting after "the" where it occurs the second time in the ^{amended}
sixth line "Executive".

(4) Subsection 4 of the said section 45 is amended by ^{s. 45 (4),}
inserting after "the" where it occurs the first time in the ^{amended}
first line "Executive".

16. The said Act is amended by adding thereto the following ^{s. 46a,}
section: ^{enacted}

46a.—(1) There shall be an account in the Consolidated ^{Security}
Revenue Fund to be known as "The Waste Well ^{Fund}
Disposal Security Fund", referred to in this section as
the "Fund", into which shall be paid the prescribed
fees received under this Act.

(2) Interest shall be credited to the Fund out of the ^{Interest}
Consolidated Revenue Fund at a rate to be deter-
mined from time to time by the Lieutenant Governor
in Council, and such interest shall be made up at the
close of each fiscal year upon the balance in the
Fund at the end of the previous calendar year.

- | | |
|---|--|
| Owner of waste disposal well to pay fee | (3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well. |
| Fee paid to Treasurer | (4) The fee shall be paid to the Treasurer of Ontario for payment into the Fund. |
| Calculation and payment of fee | (5) The fee shall be at the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year. |
| Estimate by Executive Director | (6) The Executive Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Executive Director shall estimate the fee on the basis of the amount and type of waste that in his opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the estimated fee as required by subsection 7. * |
| Payment of estimated fee | (7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Executive Director. |
| Adjustment of fee | <p>(8) At the end of each calendar year, the Executive Director shall calculate the amount of the fee for the year and,</p> <p style="margin-left: 40px;">(a) where the fee estimated and paid for the year is less than the calculated fee, the Executive Director shall add the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference forthwith to the Treasurer of Ontario; and</p> <p style="margin-left: 40px;">(b) where the fee estimated and paid for the year is greater than the calculated fee, the Executive Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Treasurer of Ontario the amount</p> |

of such difference and the Treasurer shall pay such amount to the owner of the well.

- (9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he gives notice to the Executive Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection 10 within six months, or such longer period of time as may be determined by the Executive Director, from the date that the Executive Director received the notice that the water has been rendered unfit. ^{Person suffering damage to be compensated}
- (10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Executive Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Executive Director such additional information with respect to the subject-matter of the claim that the Executive Director may require and that is within his knowledge. ^{Claim for compensation}
- (11) The Executive Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection 9 has been rendered unfit for any of the purposes set out therein and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant's reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. ^{Determination by Executive Director}
- (12) The Executive Director shall set out his determination in a certificate together with written reasons therefor and send a copy thereof to the claimant by registered mail at the address set out in the application. ^{Executive Director's certificate}

- When certificate final (13) The certificate of the Executive Director is final at the end of thirty days from the date of mailing it to the claimant unless notice of appeal is served within that time.
- Appeal (14) The claimant may appeal to the Board at any time before the certificate of the Executive Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.
- Payment out of Fund (15) Where the Executive Director has sent his certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Executive Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the claimant out of the Fund.
- Recovery of money (16) Where a claimant who has received any payment out of the Fund recovers any moneys, directly or indirectly, from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Treasurer of Ontario for credit to the Fund an amount equal to the payment out of the Fund or the moneys received from the owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.
- Recovery of fees owing (17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause *a* of subsection 8 that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown.
- s. 47, amended **17.** Section 47 of the said Act is amended by inserting after "43" in the third line "or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval".
- Part VI, heading, amended **18.** The heading to Part VI of the said Act is amended by striking out "Herbicides And".
- s. 49 (a), re-enacted **19.**—(1) Clause *a* of section 49 of the said Act is repealed and the following substituted therefor:
- (a) "Director" means the Director of a branch of the Ministry designated by the Minister to administer this Part.

SECTION 17. The section is amended to make it an offence to fail to comply with any term or condition of a certificate of approval in respect of waste management.

SECTION 18. The amendment is complementary to the definition of pesticide that is added to section 49 of the Act.

SECTION 19. Self-explanatory

SECTION 20. The new section 52 provides that the sale, offering for sale or transfer of any pesticide is prohibited unless the pesticide is classified by the regulations and a licence is obtained for that class. The licence will also be in respect of each premises on, in or from which the class of pesticide will be sold, offered for sale or transferred.

Under new section 52*b*, in particular circumstances the Director may modify the general requirements of the regulations and impose special terms and conditions in a licence to meet the circumstances.

Under new section 52*c*, in an emergency the Director is authorized to refuse to renew, suspend or revoke a licence effective immediately but subject to appeal under Part X of the Act.

(2) The said section 49 is amended by adding thereto the following clauses: ^{s. 49, amended}

(c) "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;

(d) "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* (Canada) or any successor thereto. ^{R.S.C. 1952, c. 209}

20. Section 52 of the said Act is repealed and the following substituted therefor: ^{s. 52, re-enacted}

52. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under the authority of a licence issued by the Director that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. ^{Licence required}

52a.—(1) Subject to subsection 2, the Director shall issue a licence under section 52 to any person who applies in accordance with this Act and the regulations for a licence and who meets the requirements of this Act and the regulations and who pays the prescribed fee. ^{Issuance of licence}

(2) The Director may refuse to issue or renew a licence or suspend or revoke a licence where, in the opinion of the Director, ^{Revocation and refusal of licence}

(a) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations;

(b) the applicant or licensee is in contravention of this Act or the regulations; or

(c) the licensee is in breach of any term or condition of the licence.

- Expiration of licence (3) A licence expires with the 31st day of December next following the date on which it is issued or renewed.
- Not transferable (4) A licence is not transferable.
- Exemption 52*b*. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant or licensee from any provision of the regulations relating to this Part and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, and may alter or revoke the terms and conditions, as the Director considers necessary.
- Emergency order 52*c*. Notwithstanding subsection 2 of section 79, where the Director is of the opinion that it is necessary for,
- (a) the immediate protection of the safety or health of any person;
 - (b) the protection of the quality of the natural environment for any use that can be made of it; or
 - (c) the prevention of injury or damage to property or to plant or animal life,
- the Director, by notice to a licensee with written reasons therefor, may refuse to renew, suspend or revoke the licence of the licensee effective upon the giving of the notice.
- s. 55, amended **21.** Section 55 of the said Act is amended by inserting after "regulations" in the second line "or any term or condition of a licence".
- Part VII, heading, re-enacted **22.** The heading to Part VII of the said Act is repealed and the following substituted therefor:

SEWAGE SYSTEMS

- ss. 56-59, re-enacted **23.** Sections 56, 57, 58 and 59 of the said Act are repealed and the following substituted therefor:
- Interpretation 56. In this Part,
- (a) "Director" means the Director of the branch of the Ministry designated by the Minister for the purpose of this Part;

SECTION 21. The amendment makes it an offence to contravene a term or condition of a licence.

SECTION 22. Self-explanatory.

SECTION 23. Section 56 of the Act is amended in order to define the subject-matter in Part VII and to provide for the administration of the Part.

New sections 56*a* and 56*b* are self-explanatory.

Section 57 is amended to provide for control of sewage systems by requiring certificates of approval for construction or changes in the systems and section 59*a* requires permits for their use or operation.

Section 58 is self-explanatory.

Section 59 authorizes the Director to impose terms and conditions for a certificate of approval for sewage systems and sets out the standards for issuing such certificates.

(b) "Executive Director" means the Executive Director, Water Supply and Pollution Control Division of the Ministry;

(c) "sewage system" means,

- (i) a cesspool, a septic tank system, a leaching pit, a leaching bed, a privy, a privy-vault, a holding tank other than a holding tank to which regulations made under clause *n* or *o* of subsection 1 of section 62 of *The Ontario Water Resources Act* ^{R.S.O. 1970, c. 332} apply, a toilet other than a toilet to which regulations made under clause *f* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply and any other sewage works referred to in clause *a* or *c* of subsection 6 of section 42 of *The Ontario Water Resources Act* or any part of any of them, or
- (ii) works, installations, equipment and operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage as designated in the regulations, and includes any land used in connection therewith, but does not include plumbing as defined in the regulations under *The Ontario Water Resources Act*.

56a. Notwithstanding any provision of *The Ontario Water Resources Act* ^{Exception}, a sewage system that is subject to the provisions of this Part is not subject to the provisions of *The Ontario Water Resources Act*.

56b. Where the Executive Director is absent for any reason, the Director may carry out any of the duties ^{When Director may act in place of Executive Director} and exercise any of the powers of the Executive Director under this Part.

57. No person shall construct, install, establish, enlarge, ^{Prohibition} extend or alter,

- (a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or

(b) any sewage system,

unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director.

Application

58. An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of any work to be undertaken upon issuance of the certificate of approval and such other information as the Director may require and, subject to section 59, the Director may issue a certificate of approval.

Powers of
Director

59. The Director may,

(a) refuse to issue;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in,

a certificate of approval where,

(d) the sewage system or the proposed establishment, construction, operation, installation, enlargement, extension or alteration of the sewage system does not comply with the provisions of this Act or the regulations; or

(e) he considers, upon probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

Permit

59a.—(1) No person shall use or operate a sewage system or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the date this Part comes into force in an area to which this Part is made applicable unless a permit for its use or operation has been issued by the Director and, subject to subsection 3, the Director may issue a permit.

Inspection

(2) Every person who has constructed, installed, established, enlarged, extended or altered a sewage system or any part thereof shall, until a permit under subsection 1 is issued, keep open for inspection or make available for inspection by a provincial

SECTION 24. The subsection is amended to provide that the Executive Director may make an order for the protection of the natural environment where any person does not comply with the terms or conditions of a certificate of approval issued to him under Part VII in respect of sewage systems or where a person undertakes the establishment or a change of a sewage system without having first obtained a certificate of approval therefor.

officer the sewage system or the part thereof that was constructed, installed, established, enlarged, extended or altered.

- (3) The Director shall not issue a permit under sub-section 1 where the construction, installation, establishment, enlargement, extension or alteration of the sewage system or part thereof does not comply with a certificate of approval issued therefor under section 57 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 57 has not been issued, he considers, upon probable grounds, that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person until the construction, installation, establishment, enlargement, extension or alteration is inspected by a provincial officer and altered as the Director may require in order that the sewage system or part thereof will not, in the opinion of the Director, create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person.

Where
permit not
to be
issued

24. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor: s. 60 (1),
re-enacted

(1) Where any person,

Where
Executive
Director
may make
order

- (a) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and a certificate of approval required under section 57 has not been issued;
- (b) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 57 in respect thereof;
- (c) does not construct, operate, clean, empty, disinfect or maintain a sewage system in compliance with the standards prescribed in the regulations; or
- (d) uses or operates a sewage system for which a permit required under section 59a has not been issued,

the Executive Director may make such order as he considers necessary in order to lessen or prevent the deposit, addition, emission or discharge of any contaminant into the natural environment.

s. 61,
re-enacted

25. Section 61 of the said Act is repealed and the following substituted therefor:

Where
licence
required

61.—(1) No person shall engage in the business of,

- (a) constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems; or
- (b) storing, hauling or disposing of sewage from a sewage system,

without having first obtained a licence issued by the Director.

(2) Subject to subsection 3, an applicant for a licence who,

Application
for licence

- (a) pays the prescribed fee; and
- (b) meets the requirements of the regulations,

is entitled to be issued such licence by the Director.

Powers of
Director

(3) The Director may,

- (a) refuse to issue or renew a licence; or
- (b) suspend or revoke a licence,

where the licensee is in contravention of this Act or the regulations or the licensee is in breach of any term or condition of the licence or, where the Director is of the opinion that,

- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the business that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be or is authorized by the licence will not be carried on in accordance with law;

SECTION 25. Section 61 is amended to provide for the licensing of persons engaged in the business of constructing, repairing or servicing systems, or storing or hauling sewage from sewage systems. The section also provides standards for such licensing.

SECTION 26. The amendment makes it an offence to fail to comply with any term or condition of a certificate of approval or a licence under Part VII in respect of a sewage system.

SECTION 27. The new section 77*a* is self-explanatory.

SECTION 28.—Subsection 1. Self-explanatory.

Subsection 2. The amendment permits an appeal where a Director alters a term or condition of a certificate of approval after it is issued.

- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or
 - (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations.
- (4) The Director may impose, alter or revoke terms and ^{Idem} conditions in a licence in order,
- (a) to restrict the area in which a licensee may operate; and
 - (b) to control the method or place or both of storing, hauling, collecting, transferring and disposing of sewage from a sewage system.
- (5) A licence expires twelve months after the date of ^{Expiration of licence} its issue or renewal.
- (6) A licence is not transferable. ^{Not transferable}

26. Section 62 of the said Act is amended by striking ^{s. 62, amended} out "of the Director made" in the fourth and fifth lines and inserting in lieu thereof "or fails to comply with any term or condition of a certificate of approval or licence issued".

27. The said Act is amended by adding thereto the following ^{s. 77a, enacted} section:

77a. In this Part, "Director" means such Directors or ^{Interpre-} Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

28.—(1) Clause *a* of subsection 2 of section 78 of the said ^{s. 78 (2) (a), amended} Act is amended by inserting after "issue" in the first line "or renew".

(2) Clause *c* of subsection 2 of the said section 78 is ^{s. 78 (2) (c), amended} amended by inserting after "of" in the first line "a certificate of approval, provisional certificate of approval".

s. 79 (2),
amended

29. Subsection 2 of section 79 of the said Act is amended by inserting after "No" in the first line "imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or" and by inserting after "order" where it occurs the second time in the first line "and a refusal to renew, suspension or revocation under section 52c".

s. 91,
re-enacted

30. Section 91 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

91. In this Part, "Director" means such Directors or Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

s. 94 (1) (j),
repealed

31.—(1) Clause *j* of subsection 1 of section 94 of the said Act is repealed.

s. 94 (4) (c),
amended

(2) Clause *c* of subsection 4 of the said section 94 is amended by striking out "prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto" in the fourth, fifth, sixth and seventh lines.

s. 94 (4),
amended

(3) Subsection 4 of the said section 94 is amended by adding thereto the following clause:

(*j*) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund.

s. 94 (5) (a),
re-enacted

(4) Clause *a* of subsection 5 of the said section 94 is repealed and the following substituted therefor:

(*a*) prescribing classes of licences and the qualifications and requirements therefor, exempting any class of persons, or the holder of any class of licence from any provision of Part VI or any regulation made under this subsection, and prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers are or will be made that shall attach to any such class of licence and prescribing terms and conditions attaching to any such exemption.

s. 94 (5) (j),
amended

(5) Clause *j* of subsection 5 of the said section 94 is amended by striking out "substances used for extermination" in the second line and inserting in lieu thereof "pesticides".

SECTION 29. The purpose of the amendment is to ensure that a decision of a Director will not be effective until after the disposition of an appeal except in an emergency.

SECTION 30. Self-explanatory.

SECTION 31.—Subsection 1. Self-explanatory.

Subsection 2. The deleted portion will now be dealt with in the Act rather than by regulation.

Subsection 3. Self-explanatory.

Subsection 4. Clause *a* is amended to complement the licensing provisions in the new section 52.

Subsections 5, 8 and 9. The amendments to clauses *j*, *n* and *o* are complementary to the new definition of pesticide in section 49 of the Act.

Subsection 6. The amendment to clause *k* is complementary to the addition of the new clause *g*.

Subsection 7. Self-explanatory.

Subsection 10. Clauses *g*, *r* and *s* are complementary to the licensing provisions in the new section 52.

Subsection 11. The subsection is amended to conform to the change of title in Part VII of the Act.

Subsection 12. The deleted portion will now be dealt with in the Act rather than by regulation.

(6) Clause *k* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (*k*),
amended</sup> by striking out “classifying and designating substances used for extermination, and” in the first and second lines and by striking out “such substances or any of them” in the third and fourth lines and inserting in lieu thereof “pesticides”.

(7) Clauses *l* and *m* of subsection 5 of the said section 94 are <sup>s. 94 (5) (*l*, *m*),
repealed</sup> repealed.

(8) Clause *n* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (*n*),
amended</sup> by striking out “substances used for extermination” in the first and second lines and inserting in lieu thereof “pesticides” and by striking out “substances” in the third line and inserting in lieu thereof “pesticides”.

(9) Clause *o* of subsection 5 of the said section 94 is <sup>s. 94 (5) (*o*),
amended</sup> amended by striking out “substance used for extermination” in the first and second lines and inserting in lieu thereof “pesticide”.

(10) Subsection 5 of the said section 94 is amended by adding <sup>s. 94 (5),
amended</sup> thereto the following clauses:

(*q*) classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

(*r*) exempting any organism, substance or thing or any class thereof from Part VI or any regulation made under this subsection, or any provision thereof;

(*s*) respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred.

(11) Subsection 6 of the said section 94 is amended by <sup>s. 94 (6),
amended</sup> striking out “private sewage disposal” wherever it occurs and inserting in lieu thereof in each instance “sewage”.

(12) Clause *d* of subsection 6 of the said section 94 is <sup>s. 94 (6) (*d*),
re-enacted</sup> repealed and the following substituted therefor:

(*d*) prescribing fees for certificates of approval and permits for the use or operation of sewage systems or any class or classes thereof.

(13) Clause *e* of subsection 7 of the said section 94 is <sup>s. 94 (7) (*e*),
amended</sup> amended by inserting after “classifying” in the first line “containers, packaging and”.

s. 102 (1),
amended

32. Subsection 1 of section 102 of the said Act is amended by striking out "made" in the fourth line and inserting in lieu thereof "or any term or condition of a certificate of approval or a licence made or issued".

s. 103,
amended

33. Section 103 of the said Act is amended by striking out "in Council" in the second line.

Commence-
ment

34.—(1) This Act, except sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

35. This Act may be cited as *The Environmental Protection Amendment Act, 1972*.

SECTION 32. The amendment makes it an offence to contravene or fail to comply with any term or condition of a certificate of approval or a licence issued under the Act.

SECTION 33. The amendment clarifies the authority to issue a proclamation relating to Part VII of the Act.

An Act to amend
The Environmental Protection Act, 1971

1st Reading

June 13th, 1972

2nd Reading

June 29th, 1972

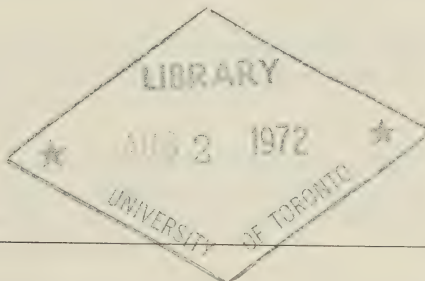
3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Environmental Protection Act, 1971



THE HON. J. A. C. AULD
Minister of the Environment

BILL 168

1972

**An Act to amend
The Environmental Protection Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, is repealed and the following substituted therefor: ^{s. 1 (c), re-enacted}

- (c) “contaminant” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may,
- (i) impair the quality of the natural environment for any use that can be made of it,
 - (ii) cause injury or damage to property or to plant or animal life,
 - (iii) cause harm or material discomfort to any person,
 - (iv) adversely affect the health or impair the safety of any person, or
 - (v) render any property or plant or animal life unfit for use by man.

(2) The said section 1, as amended by the Statutes of ^{s. 1, amended} Ontario, 1972, chapter 1, section 69, subsection 1, is further amended by adding thereto the following clauses:

- (da) “Hearing Board” means the Environmental Hearing Board established under *The Ontario Water Resources Act*; ^{R.S.O. 1970, c. 332}
-

(ga) "Ministry" means the Ministry of the Environment.

s. 1 (1),
repealed

(3) Clause 1 of the said section 1 is repealed.

s. 8,
re-enacted;
s. 9,
repealed

2. Sections 8 and 9 of the said Act are repealed and the following substituted therefor:

Approval
of Director

8.—(1) No person shall,

(a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may emit or discharge or from which may be emitted or discharged a contaminant into any part of the natural environment other than water; or

(b) alter a process or rate of production with the result that a contaminant may be emitted or discharged into any part of the natural environment other than water or the rate or manner of emission or discharge of a contaminant into any part of the natural environment other than water may be altered,

unless he has first obtained a certificate of approval issued by the Director of the Air Management Branch of the Ministry for the methods or devices or both to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water.

Director
may require
material

(2) The Director may require an applicant for a certificate of approval under subsection 1 to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water and, subject to subsection 4, the Director may issue a certificate of approval.

Exceptions

(3) Subsection 1 does not apply to,

(a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;

(b) equipment for the combustion of fuel, other than waste incinerators, in buildings or struc-

tures designed for the housing of not more than three families;

- (c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where such equipment, apparatus, mechanism or thing may produce sound or vibration;
 - (d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;
 - (e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture;
 - (f) any motor or motor vehicle that is subject to the provisions of Part III.
- (4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions or alter any terms and conditions in a certificate of approval as he considers necessary, ^{Powers of Director}
- (a) to ensure that any construction, alteration, extension or replacement that is referred to in clause *a* of subsection 1 or that any alteration of a process or rate of production that is referred to in clause *b* of subsection 1, or the methods or devices or both employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water, will result in compliance with this Act and the regulations and any order or approval thereunder;
 - (b) on probable grounds, to prevent or alleviate a nuisance, a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

3. Subsection 1 of section 14 of the said Act is repealed and ^{s. 14 (1), re-enacted} the following substituted therefor:

- (1) Notwithstanding any other provision of this Act ^{Prohibition} or the regulations, no person shall deposit, add, emit or discharge a contaminant or cause or permit

the deposit, addition, emission or discharge of a contaminant into the natural environment that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render any property or plant or animal life unfit for use by man.

s. 15 (1),
re-enacted

4. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor:

When
Ministry
to be
notified

- (1) Every person who deposits, adds, emits or discharges a contaminant or causes or permits the deposit, addition, emission or discharge of a contaminant into the natural environment out of the normal course of events that,
 - (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
 - (b) causes or is likely to cause injury or damage to property or to plant or animal life;
 - (c) causes or is likely to cause harm or material discomfort to any person;
 - (d) adversely affects or is likely to adversely affect the health of any person;
 - (e) impairs or is likely to impair the safety of any person; or
 - (f) renders or is likely to render any property or plant or animal life unfit for use by man,

shall forthwith notify the Ministry.

s. 28 (a),
amended

5.—(1) Clause *a* of section 28 of the said Act is amended by striking out "Department" in the second line and inserting in lieu thereof "Ministry".

(2) The said section 28 is amended by adding thereto the ^{s. 28, amended} following clause:

(aa) "Executive Director" means the Executive Director, Air and Land Pollution Control Division of the Ministry:

(3) Clause *c* of the said section 28 is repealed and the ^{s. 28 (c), re-enacted} following substituted therefor:

(c) "owner" includes,

- (i) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or
- (ii) the person that owns the land in or on which a waste disposal site is located.

(4) The said section 28, as amended by the Statutes of ^{s. 28, amended} Ontario, 1972, chapter 1, section 69, subsection 2, is further amended by adding thereto the following clause:

(ca) "owner" in section 46a, means a person that is responsible for the operation of a well that is a waste disposal site.

6. Section 29 of the said Act is amended by striking out ^{s. 29, amended} "Commission" in the sixth line.

7. The said Act is amended by adding thereto the following ^{ss. 33a-33e, enacted} sections:

33a.—(1) Where the Executive Director receives an appli- ^{When public hearing required} cation for a certificate of approval for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Executive Director ascertains, having regard to the nature and quantity of the waste, is the equivalent of the domestic waste of not less than 1,500 persons, the Executive Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing.

(2) At least fifteen days notice of the hearing shall be ^{Notice of hearing} given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to

be located and to such other persons and in such manner as the Executive Director may direct and such notice shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality where the waste disposal site is or is intended to be located provided there is a newspaper having general circulation in the locality and published at least once a week.

Where
emergency
situation
exists

33b. Notwithstanding the provisions of section 33a, where, in the opinion of the Executive Director, an emergency situation exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life,

and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Executive Director may issue a certificate of approval therefor without holding a public hearing.

Where public
hearing may
be held

33c.—(1) Where the Executive Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of,

- (a) a waste management system that does not include a waste disposal site referred to in section 33a; or
- (b) a waste disposal site other than a waste disposal site referred to in section 33a,

the Executive Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing.

Notice of
hearing

- (2) Where a hearing is held under subsection 1, at least fifteen days notice shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the

owners or occupants of the lands adjoining any land upon or in which the waste disposal site is located or is intended to be located and to such other persons and in such manner as the Executive Director may direct.

- 33d.—(1) Where the Executive Director is required or ^{Executive Director may require} permitted to hold a hearing under this Act, he may by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board ^{Hearing Board to hold public hearing} to hold the hearing.
- (2) Upon receipt of notice from the Executive Director, ^{When Hearing Board to hold public hearing} the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Executive Director.
- (3) Except where inconsistent with subsections 1 and 2, ^{Procedure R.S.O. 1970, c. 332} the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.
- (4) Where the Executive Director requires the Hearing ^{Executive Director to consider report of Hearing Board} Board to hold a public hearing, the Executive Director shall not issue or refuse to issue a certificate of approval until he has received and considered the report of the Hearing Board.
- 33e. Where the Executive Director is absent for any reason, the Director may carry out any of the duties ^{Director may act in place of Executive Director} and exercise any of the powers of the Executive Director under this Part.

8. Section 35 of the said Act is repealed and the following ^{s. 35, re-enacted} substituted therefor:

- 35.—(1) Where a by-law of a municipality affects the ^{Hearing as to by-law} location or operation of a proposed waste disposal site, the Minister, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by a notice in writing, and on such terms and conditions as he may direct, require the Hearing Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site.
- (2) Upon receipt of notice from the Minister, the Hearing ^{When Hearing Board to hold public hearing} Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon ^{hearing} to the Minister.

Procedure
R.S.O. 1970,
c. 332

- (3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of *The Ontario Water Resources Act* apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.

Parties and
procedure

- (4) Where the Minister requires a public hearing under subsection 1,
- (a) the applicant, the municipality and any other person specified by the Hearing Board shall be given notice of the hearing in such manner as the Hearing Board directs; and
 - (b) the Hearing Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site.

Order

- (5) The Minister, after receiving the report of the Hearing Board, may order that the by-law referred to in subsection 1 does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto.

s. 37,
repealed

9. Section 37 of the said Act is repealed.

s. 39 (1),
amended

10.—(1) Subsection 1 of section 39 of the said Act is amended by inserting after "The" in the first line "Executive".

s. 39 (2),
re-enacted

(2) Subsection 2 of the said section 39 is repealed and the following substituted therefor:

Powers of
Executive
Director

- (2) The Executive Director may,
- (a) refuse to issue or renew;
 - (b) suspend or revoke; or
 - (c) impose, alter or revoke terms and conditions in, a certificate of approval or provisional certificate of approval where,
 - (d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or
 - (e) he considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person.

11. Section 40 of the said Act is amended by inserting after ^{s. 40,} amended
“upon” in the first line “in, into or through”.

12.—(1) Subsection 1 of section 42 of the said Act is ^{s. 42 (1),} amended
amended by inserting after “upon” in the first line “in, into
or through”, and by inserting after “the” where it occurs
the first time in the third line “Executive”.

(2) Subsection 2 of the said section 42 is amended by ^{s. 42 (2),} amended
inserting after “the” where it occurs the second time in the
second line “Executive”.

13. Section 43 of the said Act is amended by inserting after ^{s. 43,} amended
“the” where it occurs the second time in the second line
“Executive”.

14. Section 44 of the said Act is amended by inserting ^{s. 44,} amended
after “the” where it occurs the first time in the second line
“Executive”.

15.—(1) Subsection 1 of section 45 of the said Act is ^{s. 45 (1),} amended
amended by striking out “Director” wherever it occurs and
inserting in lieu thereof in each instance “Executive Director”.

(2) Subsection 2 of the said section 45 is amended by ^{s. 45 (2),} amended
inserting after “the” where it occurs the second time in the
first line “Executive”.

(3) Subsection 3 of the said section 45 is amended by ^{s. 45 (3),} amended
inserting after “the” where it occurs the second time in the
sixth line “Executive”.

(4) Subsection 4 of the said section 45 is amended by ^{s. 45 (4),} amended
inserting after “the” where it occurs the first time in the
first line “Executive”.

16. The said Act is amended by adding thereto the following ^{s. 46a,} enacted
section:

46a.—(1) There shall be an account in the Consolidated ^{Security} Fund
Revenue Fund to be known as “The Waste Well
Disposal Security Fund”, referred to in this section as
the “Fund”, into which shall be paid the prescribed
fees received under this Act.

(2) Interest shall be credited to the Fund out of the ^{Interest}
Consolidated Revenue Fund at a rate to be deter-
mined from time to time by the Lieutenant Governor
in Council, and such interest shall be made up at the
close of each fiscal year upon the balance in the
Fund at the end of the previous calendar year.

Owner of
waste
disposal
well to
pay fee

- (3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well.

Fee paid to
Treasurer

- (4) The fee shall be paid to the Treasurer of Ontario for payment into the Fund.

Calculation
and payment
of fee

- (5) The fee shall be at the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year.

Estimate by
Executive
Director

- (6) The Executive Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Executive Director shall estimate the fee on the basis of the amount and type of waste that in his opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the estimated fee as required by subsection 7.

Payment of
estimated
fee

- (7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Executive Director.

Adjustment
of fee

- (8) At the end of each calendar year, the Executive Director shall calculate the amount of the fee for the year and,

(a) where the fee estimated and paid for the year is less than the calculated fee, the Executive Director shall add the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference forthwith to the Treasurer of Ontario; and

(b) where the fee estimated and paid for the year is greater than the calculated fee, the Executive Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Treasurer of Ontario the amount

of such difference and the Treasurer shall pay such amount to the owner of the well.

- (9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he gives notice to the Executive Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection 10 within six months, or such longer period of time as may be determined by the Executive Director, from the date that the Executive Director received the notice that the water has been rendered unfit. ^{Person suffering damage to be compensated}
- (10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Executive Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Executive Director such additional information with respect to the subject-matter of the claim that the Executive Director may require and that is within his knowledge. ^{Claim for compensation}
- (11) The Executive Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection 9 has been rendered unfit for any of the purposes set out therein and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant's reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. ^{Determination by Executive Director}
- (12) The Executive Director shall set out his determination in a certificate together with written reasons therefor and send a copy thereof to the claimant by registered mail at the address set out in the application. ^{Executive Director's certificate}

When
certificate
final

- (13) The certificate of the Executive Director is final at the end of thirty days from the date of mailing it to the claimant unless notice of appeal is served within that time.

Appeal

- (14) The claimant may appeal to the Board at any time before the certificate of the Executive Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment out
of Fund

- (15) Where the Executive Director has sent his certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Executive Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the claimant out of the Fund.

Recovery
of money

- (16) Where a claimant who has received any payment out of the Fund recovers any moneys, directly or indirectly, from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Treasurer of Ontario for credit to the Fund an amount equal to the payment out of the Fund or the moneys received from the owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Recovery of
fees owing

- (17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause *a* of subsection 8 that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown.

s. 47,
amended

17. Section 47 of the said Act is amended by inserting after "43" in the third line "or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval".

Part VI,
heading,
amended

18. The heading to Part VI of the said Act is amended by striking out "Herbicides And".

s. 49 (a),
re-enacted

19.—(1) Clause *a* of section 49 of the said Act is repealed and the following substituted therefor:

- (a) "Director" means the Director of a branch of the Ministry designated by the Minister to administer this Part.

(2) The said section 49 is amended by adding thereto the following clauses: s. 49,
amended

- (c) "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;
- (d) "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* (Canada) or any successor thereto. R.S.C. 1952,
c. 209

20. Section 52 of the said Act is repealed and the following substituted therefor: s. 52,
re-enacted

52. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under the authority of a licence issued by the Director that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. Licence
required

52a.—(1) Subject to subsection 2, the Director shall issue a licence under section 52 to any person who applies in accordance with this Act and the regulations for a licence and who meets the requirements of this Act and the regulations and who pays the prescribed fee. Issuance
of licence

(2) The Director may refuse to issue or renew a licence or suspend or revoke a licence where, in the opinion of the Director, Revocation
and refusal
of licence

(a) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations;

(b) the applicant or licensee is in contravention of this Act or the regulations; or

(c) the licensee is in breach of any term or condition of the licence.

Expiration of licence (3) A licence expires with the 31st day of December next following the date on which it is issued or renewed.

Not transferable (4) A licence is not transferable.

Exemption 52*b*. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant or licensee from any provision of the regulations relating to this Part and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, and may alter or revoke the terms and conditions, as the Director considers necessary.

Emergency order 52*c*. Notwithstanding subsection 2 of section 79, where the Director is of the opinion that it is necessary for,

(*a*) the immediate protection of the safety or health of any person;

(*b*) the protection of the quality of the natural environment for any use that can be made of it; or

(*c*) the prevention of injury or damage to property or to plant or animal life,

the Director, by notice to a licensee with written reasons therefor, may refuse to renew, suspend or revoke the licence of the licensee effective upon the giving of the notice.

s. 55,
amended

21. Section 55 of the said Act is amended by inserting after "regulations" in the second line "or any term or condition of a licence".

Part VII,
heading,
re-enacted

22. The heading to Part VII of the said Act is repealed and the following substituted therefor:

SEWAGE SYSTEMS

ss. 56-59,
re-enacted

23. Sections 56, 57, 58 and 59 of the said Act are repealed and the following substituted therefor:

Interpre-
tation

56. In this Part,

(*a*) "Director" means the Director of the branch of the Ministry designated by the Minister for the purpose of this Part;

(b) "Executive Director" means the Executive Director, Water Supply and Pollution Control Division of the Ministry;

(c) "sewage system" means,

- (i) a cesspool, a septic tank system, a leaching pit, a leaching bed, a privy, a privy-vault, a holding tank other than a holding tank to which regulations made under clause *n* or *o* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply, a toilet other than a toilet to which regulations made under clause *f* of subsection 1 of section 62 of *The Ontario Water Resources Act* apply and any other sewage works referred to in clause *a* or *c* of subsection 6 of section 42 of *The Ontario Water Resources Act* or any part of any of them, or
- (ii) works, installations, equipment and operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage as designated in the regulations, and includes any land used in connection therewith, but does not include plumbing as defined in the regulations under *The Ontario Water Resources Act*.

56a. Notwithstanding any provision of *The Ontario Water Resources Act*, a sewage system that is subject to the provisions of this Part is not subject to the provisions of *The Ontario Water Resources Act*. Exception

56b. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part. When Director may act in place of Executive Director

57. No person shall construct, install, establish, enlarge, extend or alter, Prohibition

- (a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or

(b) any sewage system,

unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director.

Application

58. An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of any work to be undertaken upon issuance of the certificate of approval and such other information as the Director may require and, subject to section 59, the Director may issue a certificate of approval.

Powers of
Director

59. The Director may,

(a) refuse to issue;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in,

a certificate of approval where,

(d) the sewage system or the proposed establishment, construction, operation, installation, enlargement, extension or alteration of the sewage system does not comply with the provisions of this Act or the regulations; or

(e) he considers, upon probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it.

Permit

59a.—(1) No person shall use or operate a sewage system or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the date this Part comes into force in an area to which this Part is made applicable unless a permit for its use or operation has been issued by the Director and, subject to subsection 3, the Director may issue a permit.

Inspection

(2) Every person who has constructed, installed, established, enlarged, extended or altered a sewage system or any part thereof shall, until a permit under subsection 1 is issued, keep open for inspection or make available for inspection by a provincial

officer the sewage system or the part thereof that was constructed, installed, established, enlarged, extended or altered.

- (3) The Director shall not issue a permit under subsection 1 where the construction, installation, establishment, enlargement, extension or alteration of the sewage system or part thereof does not comply with a certificate of approval issued therefor under section 57 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 57 has not been issued, he considers, upon probable grounds, that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person until the construction, installation, establishment, enlargement, extension or alteration is inspected by a provincial officer and altered as the Director may require in order that the sewage system or part thereof will not, in the opinion of the Director, create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person.

Where
permit not
to be
issued

24. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor: s. 60 (1),
re-enacted

(1) Where any person,

Where
Executive
Director
may make
order

- (a) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and a certificate of approval required under section 57 has not been issued;
- (b) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 57 in respect thereof;
- (c) does not construct, operate, clean, empty, disinfect or maintain a sewage system in compliance with the standards prescribed in the regulations; or
- (d) uses or operates a sewage system for which a permit required under section 59a has not been issued,

the Executive Director may make such order as he considers necessary in order to lessen or prevent the deposit, addition, emission or discharge of any contaminant into the natural environment.

s. 61,
re-enacted

25. Section 61 of the said Act is repealed and the following substituted therefor:

Where
licence
required

61.—(1) No person shall engage in the business of,

- (a) constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems; or
- (b) storing, hauling or disposing of sewage from a sewage system,

without having first obtained a licence issued by the Director.

(2) Subject to subsection 3, an applicant for a licence who,

Application
for licence

- (a) pays the prescribed fee; and
- (b) meets the requirements of the regulations,

is entitled to be issued such licence by the Director.

Powers of
Director

(3) The Director may,

- (a) refuse to issue or renew a licence; or
- (b) suspend or revoke a licence,

where the licensee is in contravention of this Act or the regulations or the licensee is in breach of any term or condition of the licence or, where the Director is of the opinion that,

- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the business that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the business that would be or is authorized by the licence will not be carried on in accordance with law;

- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or
 - (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations.
- (4) The Director may impose, alter or revoke terms and ^{Idem} conditions in a licence in order,
- (a) to restrict the area in which a licensee may operate; and
 - (b) to control the method or place or both of storing, hauling, collecting, transferring and disposing of sewage from a sewage system.
- (5) A licence expires twelve months after the date of ^{Expiration of licence} its issue or renewal.
- (6) A licence is not transferable. Not transferable

26. Section 62 of the said Act is amended by striking ^{s. 62, amended} out “of the Director made” in the fourth and fifth lines and inserting in lieu thereof “or fails to comply with any term or condition of a certificate of approval or licence issued”.

27. The said Act is amended by adding thereto the following ^{s. 77a, enacted} section:

77a. In this Part, “Director” means such Directors or ^{Interpre-} Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

28.—(1) Clause *a* of subsection 2 of section 78 of the said ^{s. 78 (2) (a), amended} Act is amended by inserting after “issue” in the first line “or renew”.

(2) Clause *c* of subsection 2 of the said section 78 is ^{s. 78 (2) (c), amended} amended by inserting after “of” in the first line “a certificate of approval, provisional certificate of approval”.

s. 79 (2),
amended

29. Subsection 2 of section 79 of the said Act is amended by inserting after "No" in the first line "imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or" and by inserting after "order" where it occurs the second time in the first line "and a refusal to renew, suspension or revocation under section 52c".

s. 91,
re-enacted

30. Section 91 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

91. In this Part, "Director" means such Directors or Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

s. 94 (1) (j),
repealed

31.—(1) Clause *j* of subsection 1 of section 94 of the said Act is repealed.

s. 94 (4) (c),
amended

(2) Clause *c* of subsection 4 of the said section 94 is amended by striking out "prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto" in the fourth, fifth, sixth and seventh lines.

s. 94 (4),
amended

(3) Subsection 4 of the said section 94 is amended by adding thereto the following clause:

(j) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund.

s. 94 (5) (a),
re-enacted

(4) Clause *a* of subsection 5 of the said section 94 is repealed and the following substituted therefor:

(a) prescribing classes of licences and the qualifications and requirements therefor, exempting any class of persons, or the holder of any class of licence from any provision of Part VI or any regulation made under this subsection, and prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers are or will be made that shall attach to any such class of licence and prescribing terms and conditions attaching to any such exemption.

s. 94 (5) (j),
amended

(5) Clause *j* of subsection 5 of the said section 94 is amended by striking out "substances used for extermination" in the second line and inserting in lieu thereof "pesticides".

(6) Clause *k* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (k),
amended</sup> by striking out “classifying and designating substances used for extermination, and” in the first and second lines and by striking out “such substances or any of them” in the third and fourth lines and inserting in lieu thereof “pesticides”.

(7) Clauses *l* and *m* of subsection 5 of the said section 94 are <sup>s. 94 (5) (l, m),
repealed</sup> repealed.

(8) Clause *n* of subsection 5 of the said section 94 is amended <sup>s. 94 (5) (n),
amended</sup> by striking out “substances used for extermination” in the first and second lines and inserting in lieu thereof “pesticides” and by striking out “substances” in the third line and inserting in lieu thereof “pesticides”.

(9) Clause *o* of subsection 5 of the said section 94 is <sup>s. 94 (5) (o),
amended</sup> amended by striking out “substance used for extermination” in the first and second lines and inserting in lieu thereof “pesticide”.

(10) Subsection 5 of the said section 94 is amended by adding <sup>s. 94 (5),
amended</sup> thereto the following clauses:

- (q) classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;
- (r) exempting any organism, substance or thing or any class thereof from Part VI or any regulation made under this subsection, or any provision thereof;
- (s) respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred.

(11) Subsection 6 of the said section 94 is amended by <sup>s. 94 (6),
amended</sup> striking out “private sewage disposal” wherever it occurs and inserting in lieu thereof in each instance “sewage”.

(12) Clause *d* of subsection 6 of the said section 94 is <sup>s. 94 (6) (d),
re-enacted</sup> repealed and the following substituted therefor:

- (d) prescribing fees for certificates of approval and permits for the use or operation of sewage systems or any class or classes thereof.

(13) Clause *e* of subsection 7 of the said section 94 is <sup>s. 94 (7) (e),
amended</sup> amended by inserting after “classifying” in the first line “containers, packaging and”.

s. 102 (1),
amended

32. Subsection 1 of section 102 of the said Act is amended by striking out "made" in the fourth line and inserting in lieu thereof "or any term or condition of a certificate of approval or a licence made or issued".

s. 103,
amended

33. Section 103 of the said Act is amended by striking out "in Council" in the second line.

Commence-
ment

34.—(1) This Act, except sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

35. This Act may be cited as *The Environmental Protection Amendment Act, 1972*.

An Act to amend
The Environmental Protection Act, 1971

1st Reading

June 13th, 1972

2nd Reading

June 29th, 1972

3rd Reading

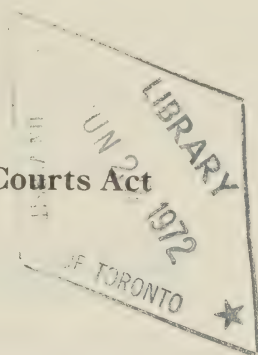
June 29th, 1972

THE HON. J. A. C. AULD
Minister of the Environment

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Government
Publications

An Act to amend The Small Claims Courts Act



THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provision repealed provides for fees and allowances of small claims courts clerks and bailiffs. The scale of fees and allowances will be provided for by regulation under section 195 (1) (b).

SECTION 2. The provision amended requires personal service of a summons where the amount claimed is over \$60. The amendment changes this amount to \$100.

SECTION 3. The provision amended provides for default judgment where the defendant was served in another division and requires proof in court that the action was entered in the proper court. The amendment permits this to be proved by affidavit.

SECTIONS 4 AND 5. The amendments prevent the clerk of a court from giving an order directly to the bailiff of another court. Procedure is available for transferring the matter into the proper court.

BILL 169

1972

An Act to amend The Small Claims Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 31 of *The Small Claims Courts Act*, being chapter 439 of the Revised Statutes of Ontario, 1970, is repealed. ^{s. 31, repealed}

2. Section 74 of the said Act is repealed and the following ^{s. 74, re-enacted} substituted therefor:

74. Where the amount of the claim is \$100 or more, the service shall be personal and, where the amount is less than \$100, the service shall be on the defendant, his wife or servant, or on a grown-up person in the defendant's usual place of residence or business. ^{Method of service of claim}

3. Subsection 5 of section 88 of the said Act is amended by inserting after "court" in the fifth line "or by affidavit". ^{s. 88 (5), amended}

4.—(1) Subsection 2 of section 116 of the said Act is amended by striking out "or to a bailiff of any other court in the county" in the third line. ^{s. 116 (2), amended}

(2) Subsection 3 of the said section 116 is repealed and the following substituted therefor: ^{s. 116 (3), re-enacted}

(3) The bailiff of a small claims court has jurisdiction in the territorial jurisdiction of his own court to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment. ^{Jurisdiction of bailiff}

5. Section 119 of the said Act is repealed and the following ^{s. 119, re-enacted} substituted therefor:

119. Except in actions brought under section 65, an execution or attachment shall not be executed out of the ^{Extent of writs of execution}

limits of the territorial jurisdiction of the court out of which it is issued.

s. 126 (6),
re-enacted

6. Subsection 6 of section 126 of the said Act is repealed and the following substituted therefor:

Duration
and renewal
of writ

(6) The writ, if unexecuted, remains in force for six years only from its issue, unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for six years from the date of the renewal.

s. 195 (1),
amended

7. Subsection 1 of section 195 of the said Act is amended by adding thereto the following clause:

(aa) designating small claims courts where clerks, bailiffs and other employees necessary for the operation of the courts may be appointed under *The Public Service Act* and the provisions of this Act and the regulations respecting the retention of fees do not apply to persons so appointed.

R.S.O. 1970,
c. 386

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1972.

Short title

9. This Act may be cited as *The Small Claims Courts Amendment Act, 1972*.

SECTION 6. Under the provision amended writs of execution expire in three years. This period is changed to six years and is the same as in the county and supreme courts.

SECTION 7. The amendment permits the transition from a fee basis to a salary basis for the payment of small claims courts clerks, bailiffs and staff.

An Act to amend
The Small Claims Courts Act

1st Reading

June 13th, 1972

2nd Reading

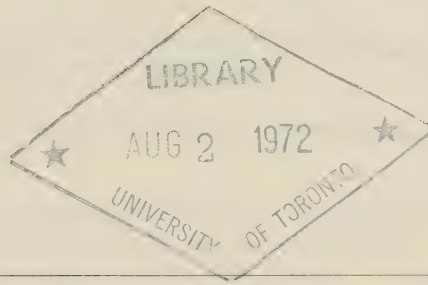
3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

BILL 169

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Small Claims Courts Act

THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Small Claims Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 31 of *The Small Claims Courts Act*, being chapter s. 31, repealed 439 of the Revised Statutes of Ontario, 1970, is repealed.

2. Section 74 of the said Act is repealed and the following s. 74, re-enacted substituted therefor:

74. Where the amount of the claim is \$100 or more, the service shall be personal and, where the amount is less than \$100, the service shall be on the defendant, his wife or servant, or on a grown-up person in the defendant's usual place of residence or business. Method of service of claim

3. Subsection 5 of section 88 of the said Act is amended by inserting after "court" in the fifth line "or by affidavit". s. 88 (5), amended

4.—(1) Subsection 2 of section 116 of the said Act is amended by striking out "or to a bailiff of any other court in the county" in the third line. s. 116 (2), amended

(2) Subsection 3 of the said section 116 is repealed and the following substituted therefor: s. 116 (3), re-enacted

(3) The bailiff of a small claims court has jurisdiction in the territorial jurisdiction of his own court to enforce execution and levy by distress and sale of the goods and chattels of the debtor the amount of any judgment and costs and to carry out all other process and proceedings to enforce payment of the judgment. Jurisdiction of bailiff

5. Section 119 of the said Act is repealed and the following substituted therefor: s. 119, re-enacted

119. Except in actions brought under section 65, an execution or attachment shall not be executed out of the Extent of writs of execution

limits of the territorial jurisdiction of the court out of which it is issued.

s. 126 (6),
re-enacted

6. Subsection 6 of section 126 of the said Act is repealed and the following substituted therefor:

Duration
and renewal
of writ

(6) The writ, if unexecuted, remains in force for six years only from its issue, unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for six years from the date of the renewal.

s. 195 (1),
amended

7. Subsection 1 of section 195 of the said Act is amended by adding thereto the following clause:

R.S.O. 1970,
c. 386

(aa) designating small claims courts where clerks, bailiffs and other employees necessary for the operation of the courts may be appointed under *The Public Service Act* and the provisions of this Act and the regulations respecting the retention of fees do not apply to persons so appointed.

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1972.

Short title

9. This Act may be cited as *The Small Claims Courts Amendment Act, 1972*.

An Act to amend
The Small Claims Courts Act

1st Reading

June 13th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. D. A. BALES
Attorney General

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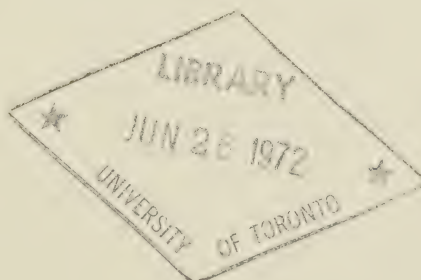
BILL 170

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Officers' Fees Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The provision repealed provides the maximum of gross fees that may be retained by small claims courts clerks and bailiffs. These fees and allowances are to be prescribed by regulation under *The Small Claims Courts Act*.

BILL 170

1972

An Act to amend The Public Officers' Fees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Officers' Fees Act*, being ^{s. 7,} chapter 383 of the Revised Statutes of Ontario, 1970, is ^{repealed} repealed.
2. This Act shall be deemed to have come into force on ^{Commence-} the 1st day of January, 1972. ^{ment}
3. This Act may be cited as *The Public Officers' Fees* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Public Officers' Fees Act

1st Reading

June 13th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

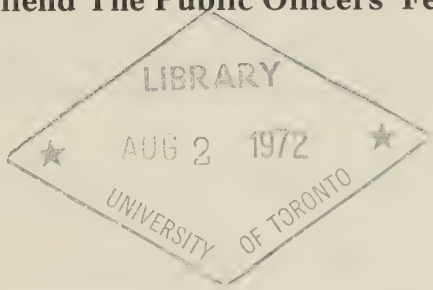
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Government
Publication

BILL 170

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Officers' Fees Act



THE HON. D. A. BALES
Attorney General

BILL 170

1972

An Act to amend The Public Officers' Fees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Officers' Fees Act*, being ^{s. 7.} repealed chapter 383 of the Revised Statutes of Ontario, 1970, is repealed.

2. This Act shall be deemed to have come into force on ^{Commence-} the 1st day of January, 1972. ^{ment}

3. This Act may be cited as *The Public Officers' Fees* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Public Officers' Fees Act

1st Reading

June 13th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. D. A. BALES
Attorney General

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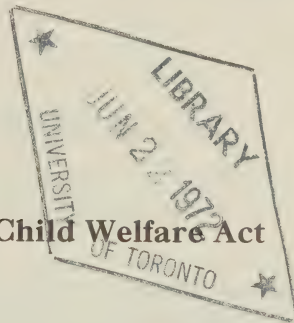
BILL 171

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

Government
Publications

An Act to amend The Child Welfare Act



THE HON. R. BRUNELLE
Minister of Community and Social Services

EXPLANATORY NOTES

SECTION 1. The re-enacted section provides for capital grants to be made on the direction of the Minister rather than the Lieutenant Governor in Council; the limitation on the amount of a grant based on bed capacity or on a percentage of the cost has been retained but the rate per bed or the percentage of the cost may be increased by regulation.

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 14,
re-enacted

- 14.—(1) Where the erection, purchase or other acquisition Capital grants of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount equal to 25 per cent, or such higher percentage as the regulations prescribe, of the cost to the municipality or society of the building computed in accordance with the regulations.
- (2) Where the erection of a new building or an addition Idem to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or addition computed in accordance with the regulations, but not exceeding an amount based on the bed capacity of the new building or the addition at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.
- (3) Where the acquisition of an existing building by a Idem society for the provision of facilities and services to

meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition computed in accordance with the regulations, but not exceeding an amount based on the bed capacity of the acquired building at the rate of \$1,200 per bed or such greater amount per bed as the regulations prescribe.

Times and
manner of
payment

- (4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

s. 20 (1) *e*),
re-enacted

2. Clause *e* of subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

- (*e*) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child, other than a person appointed for the purpose under this Act, but where a child is born out of wedlock means the mother of the child and,
- (i) a person who is under a legal duty to provide for the child pursuant to an order of a court of competent jurisdiction or pursuant to a written agreement, or
- (ii) a person who, having acknowledged a parental relationship to the child, has provided or cared for the child.

s. 22 (1) (*b*),
amended

3. Clause *b* of subsection 1 of section 22 of the said Act is amended by striking out "or is being unlawfully concealed or harboured" in the second and third lines.

s. 25,
amended

4.—(1) Section 25 of the said Act is amended by adding thereto the following subsection:

Judge may
dispense
with service
of notice

- (4*a*) Where the child is the child of an unmarried mother and where in the opinion of the judge it is in the best interest of the child, the judge may dispense with service of the notice required under subsection 4 on any person described in subclause ii of clause *e* of subsection 1 of section 20.

SECTION 2. The definition of "parent" is restated.

SECTION 3. The words deleted describe one of the grounds on which a warrant may issue authorizing a child to be taken to and detained in a place of safety.

SECTION 4.—Subsection 1. The judge may dispense with service of notice of a hearing on the person and in the circumstances indicated.

Subsection 2. This section prescribing procedures on a hearing before a judge to determine if a child is in need of protection is made to apply to certain other proceedings before a judge.

SECTION 5.—Subsection 1. Provision is made for a children's aid society to continue to provide care and maintenance for a former Crown ward after the termination of the wardship, in the circumstances indicated.

Subsection 2. Complementary to subsection 1.

SECTION 6.—Subsection 1. The amendment permits an affiliation order to require maintenance payments by the father of the child beyond the age of sixteen years up to the age of eighteen years if the child remains in school.

Subsection 2. Extended contributions by the mother of the child may be required, in the same circumstances as described in subsection 1.

SECTION 7. Regulation-making powers are enlarged.

(2) The said section 25 is further amended by adding ^{s. 25, amended} thereto the following subsection:

- (11) The provisions of this section apply *mutatis mutandis* ^{Application} to proceedings under subsection 5 of section 27, section 31 and subsection 1 of section 32.

5.—(1) Section 35 of the said Act is repealed and the ^{s. 35, re-enacted} following substituted therefor:

35. Every wardship terminates upon the marriage of ^{Termination of wardship} the ward or when the ward attains the age of eighteen years, but where the wardship terminates as a result of a Crown ward attaining the age of eighteen years, a society may, with the approval of the Director, continue to provide care and maintenance for the former Crown ward if the ward,

(a) is enrolled as a full-time student at an educational institution; or

(b) is mentally or physically incapacitated,

for any period of time after the termination of the wardship that does not extend beyond the date when the former ward attains the age of twenty-one years.

(2) Every order of Crown wardship in respect of a child ^{Certain Crown wardship orders terminated} who is over the age of eighteen years on the day that this section comes into force is hereby terminated.

6.—(1) Clause *b* of subsection 1 of section 59 of the said ^{s. 59 (1) (b), amended} Act is amended by inserting after “years” in the third line “or where he is in full-time attendance at an educational institution, until the child attains eighteen years of age”.

(2) Subsection 2 of the said section 59 is amended by ^{s. 59 (2), amended} inserting after “years” in the fourth line “or where he is in full-time attendance at an educational institution, until the child attains eighteen years of age”.

7. Section 89 of the said Act is amended by adding ^{s. 89, amended} thereto the following clauses:

- (ja) prescribing the manner of computing the costs to municipalities and to societies for the purposes of section 14;

(j*b*) prescribing a higher percentage for the purposes of subsection 1 of section 14, and a greater amount per bed for the purposes of subsections 2 and 3 of section 14.

Commence-
ment

8.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Child Welfare Amendment Act, 1972*.

An Act to amend
The Child Welfare Act

1st Reading

June 13th, 1972

2nd Reading

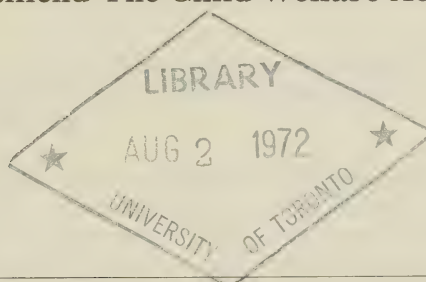
3rd Reading

THE HON. R. BRUNELLE
Minister of Community and Social Services

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Child Welfare Act



THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 171

1972

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Child Welfare Act*, being chapter 64 s. 14, of the Revised Statutes of Ontario, 1970, is repealed and the re-enacted following substituted therefor:

- 14.—(1) Where the erection, purchase or other acquisition ^{Capital grants} of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount equal to 25 per cent, or such higher percentage as the regulations prescribe, of the cost to the municipality or society of the building computed in accordance with the regulations.
- (2) Where the erection of a new building or an addition ^{Idem} to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or addition computed in accordance with the regulations, but not exceeding an amount based on the bed capacity of the new building or the addition at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.
- (3) Where the acquisition of an existing building by a ^{Idem} society for the provision of facilities and services to

meet such special needs of children as are prescribed for the purposes of section 17 has been approved by the Minister, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition computed in accordance with the regulations, but not exceeding an amount based on the bed capacity of the acquired building at the rate of \$1,200 per bed or such greater amount per bed as the regulations prescribe.

Times and
manner of
payment

- (4) An amount payable to a children's aid society or a municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

s. 20 (1) e),
re-enacted

2. Clause *e* of subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

- (e) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child, other than a person appointed for the purpose under this Act, but where a child is born out of wedlock means the mother of the child and,
- (i) a person who is under a legal duty to provide for the child pursuant to an order of a court of competent jurisdiction or pursuant to a written agreement, or
- (ii) a person who, having acknowledged a parental relationship to the child, has provided or cared for the child.

s. 22 (1) (b),
amended

3. Clause *b* of subsection 1 of section 22 of the said Act is amended by striking out "or is being unlawfully concealed or harboured" in the second and third lines.

s. 25,
amended

4.—(1) Section 25 of the said Act is amended by adding thereto the following subsection:

Judge may
dispense
with service
of notice

- (4a) Where the child is the child of an unmarried mother and where in the opinion of the judge it is in the best interest of the child, the judge may dispense with service of the notice required under subsection 4 on any person described in subclause ii of clause *e* of subsection 1 of section 20.

(2) The said section 25 is further amended by adding ^{s. 25, amended} thereto the following subsection:

- (11) The provisions of this section apply *mutatis mutandis* ^{Application} to proceedings under subsection 5 of section 27, section 31 and subsection 1 of section 32.

5.—(1) Section 35 of the said Act is repealed and the ^{s. 35, re-enacted} following substituted therefor:

35. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but where the wardship terminates as a result of a Crown ward attaining the age of eighteen years, a society may, with the approval of the Director, continue to provide care and maintenance for the former Crown ward if the ward, ^{Termination of wardship}

(a) is enrolled as a full-time student at an educational institution; or

(b) is mentally or physically incapacitated,

for any period of time after the termination of the wardship that does not extend beyond the date when the former ward attains the age of twenty-one years.

(2) Every order of Crown wardship in respect of a child ^{Certain Crown wardship orders terminated} who is over the age of eighteen years on the day that this section comes into force is hereby terminated.

6.—(1) Clause *b* of subsection 1 of section 59 of the said ^{s. 59 (1) (b), amended} Act is amended by inserting after “years” in the third line “or where he is in full-time attendance at an educational institution, until the child attains eighteen years of age”.

(2) Subsection 2 of the said section 59 is amended by ^{s. 59 (2), amended} inserting after “years” in the fourth line “or where he is in full-time attendance at an educational institution, until the child attains eighteen years of age”.

7. Section 89 of the said Act is amended by adding ^{s. 89, amended} thereto the following clauses:

- (ja) prescribing the manner of computing the costs to municipalities and to societies for the purposes of section 14;

(jb) prescribing a higher percentage for the purposes of subsection 1 of section 14, and a greater amount per bed for the purposes of subsections 2 and 3 of section 14.

Commence-
ment

8.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Child Welfare Amendment Act, 1972*.

An Act to amend
The Child Welfare Act

1st Reading

June 13th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. R. BRUNELLE
Minister of Community and Social Services

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to prevent anyone but a peace officer or a member of the Ministry of Transportation and Communications on Ministry business from obtaining the name of the owner of a motor vehicle by telephone.

BILL 172

1972

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

140a. Except for a peace officer or a member of the Ministry on Ministry business, no person shall be given access to the records of the Ministry containing the names and addresses of owners and drivers of motor vehicles. ^{No access}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*. ^{Short title}

An Act to amend
The Highway Traffic Act

1st Reading

June 13th, 1972

2nd Reading

3rd Reading

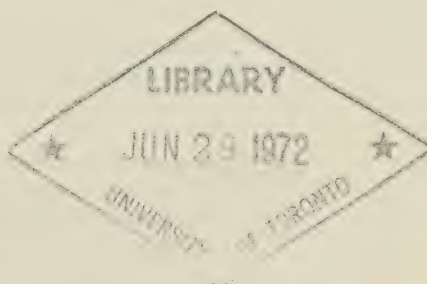
MR. DREA

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to control Promotional Games

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to control the operation of promotional games intended to attract customers or to advertise products sold at retail.

An Act to control Promotional Games

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "operator" means a person that organizes and manages the overall conduct of a promotional game;
- (b) "promotional game" means a game, contest or scheme that offers the opportunity to receive gifts or prizes, determined by chance, of a total value in excess of \$1,000 and that is organized or operated for advertising purposes;
- (c) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (d) "regulations" means the regulations made under this Act;
- (e) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*. R.S.O. 1970,
c. 113

2. No person shall offer to the public the opportunity to participate in a promotional game unless a statement of the plan of the promotional game is filed with the Registrar and a certificate of acceptance thereof is issued by the Registrar. Statement
required

3. A statement as to a promotional game filed with the Registrar shall set out, Contents of
statement

- (a) the minimum number of gifts or prizes that will be offered in the promotional game;
- (b) the minimum number of participating objects to be made available;

- (c) the proportionate opportunity of receiving gifts or prizes;
- (d) the minimum value of the gifts or prizes to be made available;
- (e) the period of time and the geographic area to be covered by the promotional game;
- (f) the rules of the promotional game; and
- (g) the name and address of the operator.

Certificate of
acceptance

4. The Registrar shall issue a certificate except where,

- (a) having regard to the financial position of the operator, he cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the past conduct of the operator or, where it is a corporation, of its officers or directors affords reasonable grounds for belief that the promotional game will not be conducted with integrity and honesty; or
- (c) the statement contains any misleading facts or omissions.

Amendment
of statement

5. An operator shall not depart from the plan of the promotional game set out in the statement filed with the Registrar but may amend the plan by filing with the Registrar a supplementary statement and receiving a supplementary certificate of acceptance issued by the Registrar.

Suspension or
withdrawal

6. Subject to section 7, the Registrar may suspend or withdraw a certificate for any reason that would disentitle the operator to a certificate under section 4 if he were an applicant.

Refusal
to issue

7.—(1) Where the Registrar proposes to,

- (a) refuse to grant;
- (b) suspend; or
- (c) withdraw,

a certificate of acceptance, he shall serve notice of his proposal, together with written reasons therefor, on the operator.

(2) A notice under subsection 1 shall inform the operator that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing. ^{Notice requiring hearing}

(3) Where an operator does not require a hearing by the Tribunal as set out in subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1. ^{Where hearing not required}

(4) Where an operator requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and, on application at the hearing, may by order direct the Registrar to carry out or refrain from carrying out his proposal. ^{Hearing}

(5) The Registrar, the operator and such other persons as the Tribunal may specify are parties to the hearing. ^{Parties}

(6) Notwithstanding subsection 1, the Registrar may cancel a certificate of acceptance upon the written request of the operator surrendering the certificate. ^{Voluntary cancellation}

(7) Notwithstanding that an operator appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal. ^{Order effective, stay R.S.O. 1970, c. 113}

8.—(1) Every operator shall deliver to the owner or manager of each retail establishment that takes part in the operation of the promotional game a copy of the statement referred to in section 3, the supplementary statements, if any, referred to in section 5 and statements setting out the names and addresses of the persons who receive the gifts or prizes offered in the promotional game. ^{Delivery of statements to retail establishments}

(2) The owner or manager of a retail establishment referred to in subsection 1 shall post or cause to be posted the statements mentioned in subsection 1 in a place in the retail establishment where they are likely to be seen by customers of the establishment. ^{Posting of statements}

9.—(1) Every operator shall maintain for six months after the date the promotional game ends a record of, ^{Records to be maintained}

- (a) the name and address of each person who receives in the promotional game a gift or prize of the value of more than \$25;

(b) a description of each gift or prize referred to in clause *a*; and

(c) the date of the delivery of each gift or prize referred to in clause *a*.

Filing of
record

(2) Every operator shall, upon demand made by the Registrar during the six month period referred to in subsection 1, file with the Registrar a copy of the record.

Manipulation
of game
prohibited

10.—(1) Except as provided in subsection 2, an operator shall not distribute the prize-winning objects in a promotional game to predetermined persons or retail establishments.

Proviso

(2) Subsection 1 does not prevent the distribution of prize-winning objects of equal value to retail establishments in a uniform ratio to the number of participating objects distributed to such retail establishments.

Distribution
of gifts or
prizes

11. Every operator shall distribute the gifts or prizes offered in the promotional game to the persons who qualify therefor in accordance with the rules of the promotional game.

Coercion of
retailers
prohibited

12. An operator shall not require the owner or manager of any retail establishment to participate in a promotional game as a condition of the carrying on or the continuation of business dealings between the operator and such owner or manager.

False
advertising

13. Where the Registrar believes on reasonable and probable grounds that an operator is making false, misleading or deceptive statements in any literature or material in connection with a promotional game, the Registrar may order the immediate cessation of the use of the literature or material and section 7 applies *mutatis mutandis* to the order and the order is effective immediately but the Tribunal may grant a stay until the order becomes final.

Application
to High Court

14.—(1) Where it appears to the Registrar that any person does not comply with any provision of this Act, the regulations or an order or demand made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Registrar may apply to a judge of the High Court for an order directing such person to comply with such provision and the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

15.—(1) Every person who,

Offences

- (a) makes a statement in any statement, record or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits any material fact;
- (b) fails to comply with any order, demand or other requirement under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such act, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

(2) Where a corporation is convicted of an offence under sub- Corporations section 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

16. The Lieutenant Governor in Council may make Regulations regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) requiring any information required to be furnished or contained in any statement, demand or return to be verified by affidavit;
- (c) requiring operators or owners or managers of retail establishments to make returns and furnish information to the Registrar.

17. This Act comes into force on the day it receives Commence-
Royal Assent. ment

18. This Act may be cited as *The Promotional Games Act*, Short title
1972.

An Act to control
Promotional Games

1st Reading

June 14th, 1972

2nd Reading

3rd Reading

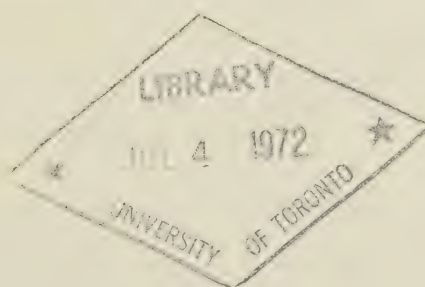
MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting
Ghost Written Term Papers and Examinations**

MR. ROY



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill enables the Attorney General, on the request of the Minister of Colleges and Universities or the Minister of Education, to bring a civil action in the Supreme Court to stop the operations of a corporation or business which deals in ghost written term papers or examinations.

BILL 174

1972

An Act respecting Ghost Written Term Papers and Examinations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "examination" means an examination, quiz or test which is required to be written or taken orally by a student enrolled in a secondary school, college or university so as to provide a credit or mark in a subject which forms part of the student's course of study;
- (b) "ghost written examination" means an examination written or taken orally by a person other than the person who is required to write or take the examination;
- (c) "ghost written term paper" means a term paper composed by a person other than the person who is required to be the author of the term paper;
- (d) "term paper" means an essay or paper of 1,000 words or more which is required to be written by a student enrolled in a secondary school, college or university so as to provide a credit or mark in a subject which forms a part of the student's course of study.

2. The Attorney General may, on the written request of the Minister of Colleges and Universities or the Minister of Education, institute civil proceedings in the Supreme Court to,

Civil
proceedings

- (a) cancel the letters patent of a corporation incorporated under *The Corporations Act*;

R.S.O. 1970,
c. 89

R.S.O. 1970,
c. 89

- (b) declare the corporate existence of a corporation under *The Corporations Act*, incorporated otherwise than by letters patent to be terminated;
- (c) cancel any supplementary letters patent issued to a corporation under *The Corporations Act*;
- (d) cancel any licence issued to an extra-provincial corporation under Part IX or a predecessor thereof of *The Corporations Act*;

R.S.O. 1970,
c. 53

- (e) dissolve a corporation incorporated under *The Business Corporations Act*;

R.S.O. 1970,
c. 340

- (f) enjoin the operation of any sole proprietorship or partnership registered under *The Partnerships Registration Act*; or
- (g) enjoin the operation of any officer or director of a corporation referred to in clauses *a* to *e*, both inclusive, or any member of a partnership referred to in clause *f* from engaging in a business referred to in clause *h*,

as the case may be, where,

- (h) a corporation incorporated under *The Corporations Act* or *The Business Corporations Act* or a partnership or sole proprietorship registered under *The Partnerships Registration Act* is engaged in the business of,

- (i) printing,
- (ii) publishing,
- (iii) distributing,
- (iv) circulating, or
- (v) selling or offering for sale,

ghost written term papers or ghost written examinations.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ghost Written Term Papers and Examinations Act, 1972*.

BILL 174

An Act respecting
Ghost Written Term Papers
and Examinations

1st Reading

June 14th, 1972

2nd Reading

3rd Reading

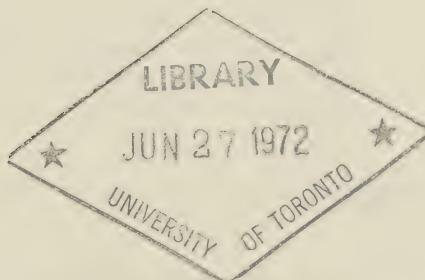
MR. ROY

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ontario Municipal Board Act

THE HON. D. A. BALES
Attorney General



EXPLANATORY NOTES

SECTION 1. The amendment will permit one member of the Board to hold a hearing and make a decision; the section presently permits one member to hold a hearing and report to the Board and the Board may adopt the report as the decision of the Board or otherwise deal with it.

SECTION 2. The power of the Board to prescribe the fees payable upon any application to it is clarified.

BILL 175

1972

**An Act to amend
The Ontario Municipal Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Ontario Municipal Board Act*, being ^{s. 15,} chapter 323 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

15. The chairman may in writing authorize one member ^{One member may hear and determine application} of the Board to hear and determine any application to the Board and for such purpose such member may exercise all the jurisdiction and powers of the Board and his decision on the application shall be a decision of the Board.

2. Section 99 of the said Act is repealed and the following ^{s. 99,} substituted therefor: ^{re-enacted}

99. There shall be paid upon every application to the ^{Fees of Board} Board or every order thereof such fee as is prescribed by the Board and such fee shall be paid in the first instance by the applicant and is a debt due by the applicant to Her Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court.

3. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

4. This Act may be cited as *The Ontario Municipal Board* ^{Short title} *Amendment Act, 1972.*

An Act to amend The Ontario
Municipal Board Act

1st Reading

June 15th, 1972

2nd Reading

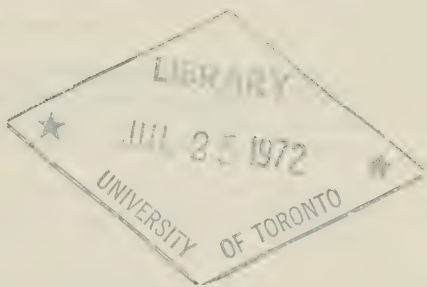
3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ontario Municipal Board Act



THE HON. D. A. BALES
Attorney General

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendment will permit one member of the Board to hold a hearing and make a decision; the section presently permits one member to hold a hearing and report to the Board and the Board may adopt the report as the decision of the Board or otherwise deal with it.

SECTION 2. The power of the Board to prescribe the fees payable upon any application to it is clarified.

BILL 175

1972

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Ontario Municipal Board Act*, being s. 15, chapter 323 of the Revised Statutes of Ontario, 1970, is re-enacted repealed and the following substituted therefor:

15. The chairman may in writing authorize one member of the Board to hear and determine any application to the Board and for such purpose such member may exercise all the jurisdiction and powers of the Board and his decision on the application shall be a decision of the Board. One member may hear and determine application

2. Section 99 of the said Act is repealed and the following s. 99, substituted therefor: re-enacted

99.—(1) The Board may, with the approval of the Fees Lieutenant Governor in Council, make regulations requiring fees to be paid to the Board in connection with its proceedings and prescribing the amounts thereof.

(2) The Board may from time to time waive or remit Where fees may be waived or remitted in appropriate circumstances all or any portion of such fees.

3. This Act comes into force on the day it receives Commence-ment Royal Assent.

4. This Act may be cited as *The Ontario Municipal Board Short title Amendment Act, 1972.*

An Act to amend The Ontario
Municipal Board Act

1st Reading

June 15th, 1972

2nd Reading

June 27th, 1972

3rd Reading

THE HON. D. A. BALES
Attorney General

(Reprinted as amended by
the Committee of the Whole House)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ontario Municipal Board Act



THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 175

1972

**An Act to amend
The Ontario Municipal Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Ontario Municipal Board Act*, being ^{s. 15,} chapter 323 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

15. The chairman may in writing authorize one member of the Board to hear and determine any application to the Board and for such purpose such member may exercise all the jurisdiction and powers of the Board and his decision on the application shall be a decision of the Board. ^{One member may hear and determine application}

2. Section 99 of the said Act is repealed and the following ^{s. 99,} substituted therefor: ^{re-enacted}

99.—(1) The Board may, with the approval of the Lieutenant Governor in Council, make regulations requiring fees to be paid to the Board in connection with its proceedings and prescribing the amounts thereof. ^{Fees}

(2) The Board may from time to time waive or remit in appropriate circumstances all or any portion of such fees. ^{Where fees may be waived or remitted}

3. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

4. This Act may be cited as *The Ontario Municipal Board* ^{Short title} *Amendment Act, 1972.*

An Act to amend The Ontario
Municipal Board Act

1st Reading

June 15th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Assessment Review Court

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill is to continue the Assessment Review Court under the Ministry of the Attorney General.

The appropriate provisions are transferred from sections 50 and 51 of *The Assessment Act*.

An Act respecting the Assessment Review Court

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Court" means the Assessment Review Court;
- (b) "municipality" means a city, town, village or township.

2. The Assessment Review Court is hereby continued.

Assessment
Review Court
continued

3. The Court shall be composed of a chairman and such number of vice-chairmen and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council.

Composition

4.—(1) *The Public Service Act*, except sections 4 and 6, applies to the members of the Court who are employed on a full-time basis.

Application
of R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the members of the Court who are employed on a full-time basis.

Application
of R.S.O. 1970,
c. 387

5. One member of the Court constitutes a quorum and is sufficient for the exercise of all of the jurisdiction and powers of the Court.

Quorum

6. The chairman or a vice-chairman shall from time to time assign the members of the Court to its various sittings and may change any such assignments at any time and the chairman or a vice-chairman may from time to time direct any officer or other member of the staff of the Court to attend any of the sittings of the Court and may prescribe his duties.

Assignment
of members
and staff
for sittings

Oaths of
members of
Court

7. Every member of the Court before entering upon his duties shall take and subscribe the following oath (or affirmation in cases where, by law, affirmation is allowed):

"I,.....do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Assessment Review Court that may be brought before me for trial as a member of the Court."

Sittings of
Court

8. The Court may hold sittings at any place in Ontario and in more than one place at the same time.

Rules

9. Subject to the approval of the Lieutenant Governor in Council, the Court shall make rules governing its practice and procedure and the exercise of its powers.

Meetings
of Court

10. The Court shall meet and may adjourn from time to time in every municipality in which there is an appeal in respect of any assessment in such municipality to hear and try all complaints in respect of which any person may appeal to the Court under *The Assessment Act* or any other Act.

R.S.O. 1970,
c. 32

Registrar,
regional
registrars
R.S.O. 1970,
c. 386

11.—(1) A Registrar of the Court and such regional registrars and other officers and employees as are considered necessary shall be appointed under *The Public Service Act*.

Acting
regional
registrars

(2) In the absence for any reason of any regional registrar, the Attorney General may appoint an acting regional registrar who, while so acting, has all the powers and duties of a regional registrar.

Clerk of
Court

12. Each regional registrar shall designate a person as clerk of the Court for each hearing of the Court in his region and the person so designated shall keep a record of the proceedings and decisions of the Court, which shall be certified by a member of the Court who heard the appeal and when so certified shall be forwarded forthwith to the regional registrar.

Accommoda-
tion for Court

13. Where sittings of the Court are to be held in a municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the Court.

Repeal

14. Sections 50 and 51 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, are repealed.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Assessment Review Court Act, 1972*.

An Act respecting
the Assessment Review Court

1st Reading

June 15th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

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B 56

Government
Publications

BILL 176

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Assessment Review Court

THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 176

1972

An Act respecting the Assessment Review Court

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Court" means the Assessment Review Court;

(b) "municipality" means a city, town, village or township.

2. The Assessment Review Court is hereby continued.

Assessment
Review Court
continued

3. The Court shall be composed of a chairman and such number of vice-chairmen and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council.

Composition

4.—(1) *The Public Service Act*, except sections 4 and 6, applies to the members of the Court who are employed on a full-time basis.

Application
of R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the members of the Court who are employed on a full-time basis.

Application
of R.S.O. 1970,
c. 387

5. One member of the Court constitutes a quorum and is sufficient for the exercise of all of the jurisdiction and powers of the Court.

Quorum

6. The chairman or a vice-chairman shall from time to time assign the members of the Court to its various sittings and may change any such assignments at any time and the chairman or a vice-chairman may from time to time direct any officer or other member of the staff of the Court to attend any of the sittings of the Court and may prescribe his duties.

Assignment
of members
and staff
for sittings

Oaths of
members of
Court

7. Every member of the Court before entering upon his duties shall take and subscribe the following oath (or affirmation in cases where, by law, affirmation is allowed):

"I,.....do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Assessment Review Court that may be brought before me for trial as a member of the Court."

Sittings of
Court

8. The Court may hold sittings at any place in Ontario and in more than one place at the same time.

Rules

9. Subject to the approval of the Lieutenant Governor in Council, the Court shall make rules governing its practice and procedure and the exercise of its powers.

Meetings
of Court

10. The Court shall meet and may adjourn from time to time in every municipality in which there is an appeal in respect of any assessment in such municipality to hear and try all complaints in respect of which any person may appeal to the Court under *The Assessment Act* or any other Act.

R.S.O. 1970,
c. 32

Registrar,
regional
registrars

R.S.O. 1970,
c. 386

11.—(1) A Registrar of the Court and such regional registrars and other officers and employees as are considered necessary shall be appointed under *The Public Service Act*.

Acting
regional
registrars

(2) In the absence for any reason of any regional registrar, the Attorney General may appoint an acting regional registrar who, while so acting, has all the powers and duties of a regional registrar.

Clerk of
Court

12. Each regional registrar shall designate a person as clerk of the Court for each hearing of the Court in his region and the person so designated shall keep a record of the proceedings and decisions of the Court, which shall be certified by a member of the Court who heard the appeal and when so certified shall be forwarded forthwith to the regional registrar.

Accommoda-
tion for Court

13. Where sittings of the Court are to be held in a municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the Court.

Repeal

14. Sections 50 and 51 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, are repealed.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Assessment Review Court Act, 1972*.

An Act respecting
the Assessment Review Court

1st Reading

June 15th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to prevent the Misuse of Reference Materials
used in the Preparation of Academic Manuscripts**

MR. WALKER



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Act is to prevent the misuse of reference materials used in the preparation of academic manuscripts.

An Act to prevent the Misuse of Reference Materials used in the Preparation of Academic Manuscripts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "academic manuscript" means any essay, thesis or paper which is prepared by or for a student for the purpose of obtaining credit for a student in a course or courses of studies at an educational institution;
- (b) "business" means an undertaking carried on for the purpose of realizing a gain or profit, and includes any interest in any such undertaking;
- (c) "educational institution" means any university recognized by the Department of Education and any college that may be financed through the Ontario University Capital Aid Corporation;
- (d) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership;
- (e) "reference materials" means any written, printed or recorded information which has not been published for general distribution, offered or made available to students by a supplier for use in the preparation of an academic manuscript;
- (f) "Registrar" means the Registrar of Student Suppliers;
- (g) "student" means any person enrolled in full or part-time attendance at an educational institution;

(h) "supplier" means a person who for compensation, gain or reward or hope or promise thereof, either alone or through one or more agents, distributes reference materials, or a person who holds himself out as such;

(i) "trade" means any transaction undertaken for the purpose of realizing a gain or profit on such transaction and the verb "trade" has a corresponding meaning.

Registrar **2.—**(1) There shall be a Registrar of Student Suppliers who shall be appointed by the Lieutenant Governor in Council.

Duties of Registrar (2) The Registrar may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act.

Registration required **3.—**(1) No person shall carry on business or act as a supplier unless he is registered by the Registrar under this Act.

Change in partnership (2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration.

Change in officers (3) Any change in the officers of a corporation registered as a supplier may be made only with the consent of the Registrar.

Business name **4.—**(1) A registered supplier shall not carry on business in a name other than the name in which he is registered or from a place of business other than that authorized by the registration.

Idem (2) No person shall publish or cause to be published in writing any representation that he is registered under the Act.

Representations **5.** A person who is not registered as a supplier shall neither directly nor indirectly hold himself out as being a supplier.

Registration or renewal **6.—**(1) An applicant is entitled to registration or renewal of registration except where he has been convicted of an offence under this Act.

Idem (2) A registration is subject to such terms and conditions as are consented to by the applicant.

Registration as a supplier **7.—**(1) A corporation having share capital shall not be registered as a supplier,

- (a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered suppliers;
- (b) if any supplier holding voting shares of the corporation acts as a supplier in respect of any other business registered as a supplier or holds voting shares in any other corporation registered as a supplier.

(2) A person other than a supplier may hold voting shares ^{Idem} of more than one corporation registered as suppliers except that where such person holds voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

8. Anyone who is registered under this Act as a supplier shall be deemed to be a supplier in respect of any trade in unpublished written, printed or recorded information distributed by him at any place of business from which he is authorized to distribute reference materials. ^{Deemed to be a supplier}

9.—(1) No person shall, either for himself or for another or others, obtain any reference materials from a supplier unless he gives the supplier his full name and current residential address. ^{Reference materials}

(2) Where the person mentioned in subsection 1 is a student obtaining reference materials for his own use, or where such person is obtaining reference materials for the purpose of making them available to a student, such person shall, ^{Idem}

- (a) identify himself to the supplier as a student obtaining reference materials for his own use and provide the supplier with the name of the educational institution at which he is currently enrolled; or
- (b) identify himself to the supplier as a person obtaining reference materials for a student and provide the supplier with the full name and residential address of the student, and the name of the educational institution at which the student is currently enrolled.

10.—(1) No supplier shall distribute reference materials to any person unless he, ^{Distribution of reference materials}

- (a) obtains the information required in section 9 and keeps a record of such information; and

- (b) retains a complete and readable copy of the reference materials being distributed and files each such copy according to subject heading.

Records and
copies

(2) All records maintained and all copies filed pursuant to subsection 1 shall be kept at the place of business from which the reference materials were distributed.

Subject and
name index

11.—(1) At each place of business from which he is authorized to distribute reference materials, each supplier shall,

- (a) maintain a subject index showing the subject headings of all copies filed by the supplier pursuant to clause *b* of subsection 1 of section 10; and
- (b) maintain a name index showing the information recorded by the supplier pursuant to clause *a* of subsection 1 of section 10.

Entries

(2) For each trade in reference materials, there shall be one entry in the subject index and one entry in the name index and each such entry shall reference the corresponding subject index or name index entry for that trade.

Alphabetical
order

(3) All entries in the subject index shall be entered in alphabetical order of subjects.

Idem

(4) All entries in the name index shall be entered in alphabetical order under the name of the student for whom the reference materials are being obtained. If the reference materials are not being obtained by or for a student, the entry shall be entered in alphabetical order under the name of the person obtaining the reference materials.

Time limit

12. Each trade in reference materials shall be entered in the subject index and name index within three days, excluding Saturdays, Sundays and statutory holidays, of the date each such trade took place.

Request in
writing

13. Upon receipt of a request in writing and the prescribed fees, a supplier,

- (a) shall produce for inspection in his office during office hours the subject index and name index maintained for that office; and
- (b) shall supply a copy of the whole or a part of any copy of reference materials filed in his office.

14.—(1) Where the Registrar receives a complaint in respect ^{Complaints} of a supplier and so requests in writing, the supplier shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

(2) The request under subsection 1 shall indicate the nature ^{Idem} of the inquiry involved.

(3) For the purposes of subsection 1, the Registrar or any ^{Idem} person designated in writing by him may at any reasonable time enter upon the business premises of the supplier to make an inspection in relation to the complaint.

15.—(1) The registrar or any person designated by him in ^{Inspection} writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act are being complied with.

(2) Where the Registrar has reasonable and probable grounds ^{Idem} to believe that any person is acting as a supplier while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3, 4 or 5.

16.—(1) Upon an inspection under section 14 or 15, a ^{Access} person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence, reference materials and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and pur- <sup>*prima facie*
proof</sup> porting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Offences

17.—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$250,000 and not as provided therein.

Consent of Minister

(3) No proceedings under this section shall be instituted except with the consent of the Minister of Consumer and Commercial Relations.

Limitation

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject matter of the proceeding arose.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Misuse of Reference Materials used in the Preparation of Academic Manuscripts Act, 1972*.

An Act to prevent the Misuse of Reference
Materials used in the Preparation of
Academic Manuscripts

1st Reading

June 15th, 1972

2nd Reading

3rd Reading

Mr. Walker

(Private Member's Bill)

20N
B
356

Publications

BILL 178

Private Member's Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to establish the Bureau of Repair Services

MR. NEWMAN
(Windsor-Walkerville)



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to control the repairing of household appliances, including television sets and radios, through a system of registration of persons engaged in the business of making these repairs.

BILL 178

1972

An Act to establish the Bureau of Repair Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Bureau" means the Bureau of Repair Services;
- (b) "household appliances" includes television sets and radios;
- (c) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (d) "regulations" means the regulations made under this Act;
- (e) "repairer" means a person engaged in the business of repairing household appliances.

2. There shall be a division of the Consumer Protection Bureau to be known as the Bureau of Repair Services, which shall consist of the Registrar of the Consumer Protection Bureau and such other officers and employees thereof as are considered necessary.

Bureau of
Repair
Services
established

3.—(1) No person shall engage in the business of repairing household appliances unless he is registered under this Act.

Registration
required

(2) A registered repairer of household appliances shall not carry on business in a name other than the name in which he is registered or from a place of business other than that stated in the registration.

Name and
place of
business

4.—(1) An applicant is entitled to registration or renewal of registration by the Registrar except where,

Registration

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty.

Refusal to
renew,
suspend or
revoke

5. Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant.

Where
Registrar
proposes to
refuse,
suspend or
revoke
R.S.O. 1970,
c. 82

6. The provisions of section 7 of *The Consumer Protection Act* apply *mutatis mutandis* where the Registrar proposes to refuse, refuse to renew, suspend or revoke a registration.

Investigation
of complaints

7.—(1) Where the Bureau receives a complaint in respect of a repairer and so requests in writing, the repairer shall furnish the Bureau with such information in respect of the matter complained of as the Bureau requires.

Idem

(2) For the purposes of subsection 1, any officer or employee of the Bureau may at any reasonable time enter upon the business premises of the repairer to make an inspection in relation to the complaint.

Inspection

8. Where an officer or employee of the Bureau has reasonable and probable grounds to believe that any person is engaged in the business of repairing household appliances while unregistered, the officer or employee may at any reasonable time enter such person's business premises and make an inspection to determine whether or not the person is in contravention of section 3.

Notice of
changes

9.—(1) Every repairer shall, within five days after the event, notify the Bureau in writing of,

- (a) any change in the location at which he carries on the repair business;
- (b) in the case of a corporation, any change of officers; or
- (c) in the case of a partnership, any change in the members of the partnership.

(2) The Bureau shall be deemed to be notified under sub- ^{Idem} section 1 on the day on which it is actually notified or, where the notice is sent by mail, on the day of mailing.

10. Any notice or order given or served under this Act or ^{Service} the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the last known address of the person to whom delivery or service is to be made in which case it shall be deemed to be given or served on the third day after the day of mailing unless the person establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice at all or until a later date.

11. Every person who contravenes this Act or the ^{Offence} regulations and every director or officer of a corporation who knowingly concurs therein are guilty of an offence and on summary conviction are liable to a fine of not more than \$1,000.

12. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) governing applications for registration and renewal of registration of repairers;
- (b) requiring repairers to make returns and furnish information to the Bureau;
- (c) requiring the payment of fees on application for registration under this Act or for renewal of such registration, and prescribing the amounts thereof;
- (d) prescribing forms and providing for their use;
- (e) prescribing classes of repairers and exempting any class of repairer from the application of this Act or the regulations or any provision thereof;
- (f) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

13. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

14. This Act may be cited as *The Bureau of Repair Services* ^{Short title} Act, 1972.

An Act to establish
the Bureau of Repair Services

1st Reading

June 15th, 1972

2nd Reading

3rd Reading

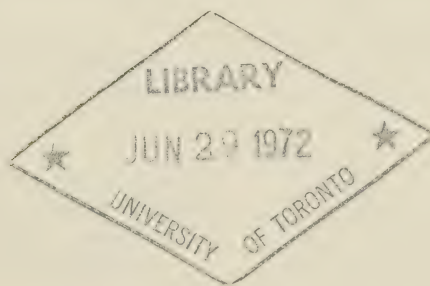
MR. NEWMAN
(Windsor-Walkerville)

(*Private Member's Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Consumer Protection Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for disclosure to the consumer of the unit price and the total price of consumer products.

BILL 179

1972

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part: Part IIIA,
enacted

PART IIIA

CONSUMER INFORMATION

43a. In this Part,

Interpre-
tation

- (a) "consumer" means a person who purchases goods for personal, family or household purposes, but does not include a person who purchases for the purpose of carrying on business;
- (b) "consumer product" means any product intended for or customarily used for personal, family or household purposes;
- (c) "unit price" means the retail price of a consumer product expressed in terms of the retail price of such product per such unit of weight, measure or count as the regulations prescribe.

43b. Every person who sells or offers for sale a consumer product at retail, shall disclose the unit price and the total price of the consumer product to the consumer in the manner prescribed in section 43c. Disclosure of
unit price and
total price

43c. The unit price and the total price of a consumer product shall be disclosed to the consumer, Method of
disclosure

- (a) where the consumer product is so located that,

- (i) it is not conspicuously visible to the consumer, or
 - (ii) the price information if displayed in accordance with clause *b* would not be conspicuously visible to the consumer, by a sign or list bearing the price information, conspicuously displayed near the point of procurement of the consumer product;
- (b) where the consumer product is so located that it is conspicuously visible to the consumer, by the attachment of a stamp, tag or label to,
- (i) the consumer product, and
 - (ii) the shelf, wall or stand upon which the consumer product is displayed; or
- (c) where the methods set out in clauses *a* and *b* would not be effective in conveying the price information to the consumer, by those methods prescribed by the regulations.
- Advertising 43*d*. No person shall advertise the price of a consumer product unless the advertisement states both the unit price and total price of the consumer product.
- Regulations 43*e*. The Lieutenant Governor in Council may make regulations,
- (a) designating the unit of weight, measure or count upon which the unit price of a consumer product shall be expressed and whether it is to be expressed to the nearest whole cent or fraction thereof;
 - (b) prescribing methods for disclosing the unit price and the total price of a consumer product;
 - (c) exempting any class of persons from any or all requirements of the Act.
- Commence-
ment 2. This Act comes into force on the day it receives Royal Assent.
- Short title 3. This Act may be cited as *The Consumer Protection Amendment Act, 1972*.

An Act to amend
The Consumer Protection Act

1st Reading

June 15th, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 ~~TH~~

An Act to amend The Business Corporations Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment is to the definition of officer to ensure it includes the officials listed even though other titles are used.

Subsection 2. Complementary to section 33 of this Bill.

Subsections 3 and 4. The unanimous consent of shareholders required for a special by-law or special resolution is amended to permit consent to be given by attorneys of shareholders.

Subsection 5. The amendment is to the provision defining offering securities to the public.

BILL 180

1972

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 19 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970 is amended by adding at the end thereof “or any other individual who performs functions for the corporation similar to those normally performed by an individual occupying any such office”. ^{s. 1 (1), par. 19, amended}

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: ^{s. 1 (1), amended}

23a. “resident Canadian” means a Canadian citizen who is ordinarily resident in Canada.

(3) Subparagraph ii of paragraph 26 of subsection 1 of the said section 1 is amended by adding at the end thereof, “or their attorney authorized in writing”. ^{s. 1 (1), par. 26, subpar. ii, amended}

(4) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by adding at the end thereof “or their attorney authorized in writing”. ^{s. 1 (1), par. 27, subpar. ii, amended}

(5) Subsection 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 2, is repealed and the following substituted therefor: ^{s. 1 (9), re-enacted}

(9) For the purposes of this Act a body corporate is offering its securities to the public only where, ^{Offering securities to public}

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act* or any predecessor ^{R.S.O. 1970, c. 426}

1971, c. 27

thereof or in respect of which a prospectus has been filed under *The Corporations Information Act, 1971*, or any predecessor thereof, so long as any of such securities are outstanding or any securities into which such securities are converted are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen security holders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

s. 6,
re-enacted

2. Section 6 of the said Act is repealed and the following substituted therefor:

Number
as name

- 6.—(1) Upon the request of the incorporators or the corporation, the Minister may determine and assign a number in a proposed corporate name.

Idem

- (2) Where the Minister assigns a number under subsection 1, the name of the corporation shall consist of the number followed by the word "Ontario" and the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." as the last word thereof. •

Amendment

- (3) Where, through inadvertence or otherwise, the Minister has assigned a number in the name of a corporation that is the same as the number in the name of any other body corporate, the Minister may issue a certificate of amendment to the articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

s. 8 (1),
amended

3. Subsection 1 of section 8 of the said Act is amended by inserting after "corporation" in the first line "except a corporation to which the Minister has assigned a number as part of the name of the corporation".

SECTION 2. Provision is made for assigning numbers as names of corporations where desired.

SECTION 3. Complementary to section 2 of this Bill.

SECTION 4. The provision is a re-enactment of the present section 6 (1) of the Act.

SECTION 5.—Subsection 1. The period for which a name can be reserved is extended from sixty to ninety days.

Subsection 2. The reservation of a name does not apply to numbers.

SECTION 6. The ancillary power of corporations to dispose of their property is amended to make it subject to additional authorization specified in the articles.

SECTION 7. The new clause is added to the loans that may be made by corporations.

SECTION 8. The amendments are complementary to section 11 of this Bill.

4. Section 10 of the said Act is amended by renumbering ^{s. 10, amended} subsections 1 and 2 as 2 and 3, respectively and by adding thereto the following subsection:

- (1) The name of a corporation shall have the word ^{Use of} "Limited", "Incorporated" or "Corporation" or its ^{"Limited",} corresponding abbreviation "Ltd.", "Inc." or "Corp." ^{"Incorporated", etc.} as the last word thereof.

5.—(1) Subsection 1 of section 11 of the said Act is ^{s. 11 (1), amended} amended by striking out "sixty" in the fourth line and inserting in lieu thereof "ninety".

(2) The said section 11 is further amended by adding ^{s. 11, amended} thereto the following subsection:

- (3) No person may reserve a corporate name to which section 6 applies.

6. Paragraph 17 of subsection 2 of section 15 of the said Act ^{s. 15 (2), par. 17, re-enacted} is repealed and the following substituted therefor:

17. where authorized to do so by a special resolution and by such additional authorization as the articles provide, to sell, lease, exchange or otherwise dispose of all or substantially all the property of the corporation for such consideration as the corporation thinks fit.

7. Subsection 2 of section 17 of the said Act is amended ^{s. 17 (2), amended} by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

- (*e*) if it is not offering its securities to the public, give directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, financial assistance to any of its shareholders or directors with a view to enabling them to purchase issued shares of the corporation.

8.—(1) Subsection 2 of section 26 of the said Act is amended ^{s. 26 (2), amended} by inserting at the commencement thereof "Except as provided in subsection 1 of section 37".

(2) Subsection 3 of the said section 26 is amended by ^{s. 26 (3), amended} inserting at the commencement thereof "Except as provided in subsection 1 of section 37".

s. 27 (1) (f),
re-enacted

9. Clause *f* of subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

- (f) the right of the corporation at its option to redeem all or part of the shares of the class or the right of a shareholder at his option to require the redemption of all or part of his shares of the class.

s. 34 (1),
amended

10. Subsection 1 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 6, is amended by inserting after "redeemable" in the second line "at the option of the corporation".

s. 37 (1),
re-enacted

11. Subsection 1 of section 37 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 8, is repealed and the following substituted therefor:

Mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of special shares that are mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof, and where a corporation to which this section applies has one or more classes of mutual fund shares of which one class has attached thereto no conditions, restrictions, limitations or prohibitions on the right to vote, the corporation is not required to have any other class of shares.

s. 38 (3),
repealed

12. Subsection 3 of section 38 of the said Act is repealed.

s. 39,
re-enacted

13. Section 39 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 9, is repealed and the following substituted therefor:

Purchase of
common
shares

- 39.—(1) A corporation may purchase any of its issued shares if the purchase is made for the purpose of eliminating fractions of shares or for the purpose of collecting or compromising indebtedness to the corporation.

Idem

- (2) Where authorized in its articles and subject to any restrictions contained therein, a corporation may purchase any of its issued common shares or may purchase any of the issued shares of its holding body corporate.

SECTION 9. The conditions that may be attached to special shares are amended to include the right of the shareholder to require redemption.

SECTION 10. The amendment clarifies that the procedure for selecting shares for redemption by the corporation does not apply to redemptions made at the request of shareholders.

SECTION 11. The amendment permits mutual fund corporations to have only one class of shares, being special shares with voting rights.

SECTION 12. The provision repealed is contained in section 40 as re-enacted by section 14 of this Bill.

SECTION 13. The provision for the purchase by a corporation of its own common shares and the conditions applying are extended to include all shares and provides for purchase of shares of parent corporations under the same safeguards.

SECTION 14. The amendment adjusts the terminology to provide for purchase of mutual fund shares and to recognize the purchase of shares other than common shares.

Provision is also made for a subsidiary to become an insider when it purchases shares of its parent corporation.

- (3) A corporation shall not purchase shares under this ^{Idem} section if the corporation is insolvent or if the purchase would render the corporation insolvent.
- (4) No purchase of shares shall be made under this ^{Idem} section by a corporation unless the purchase is authorized by a resolution of the board of directors.
- (5) Where a corporation purchases shares under sub-^{Method of purchase} section 2, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
 - (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation or of the holding body corporate; or
 - (c) where the shares to be purchased are of a body corporate that is offering its shares to the public, by purchase on the open market.
- (6) Where, in response to the invitation for tenders, two ^{Idem} or more shareholders submit tenders at the same price and the tenders are accepted by the corporation as to part only of the shares offered, the corporation shall accept part of the shares offered in each tender in proportion as nearly as may be to the total number of shares offered in each tender.

14. Sections 40, 41 and 42 of the said Act are repealed and ^{ss. 40, 41, 42, re-enacted} the following substituted therefor:

- 40.—(1) Shares or fractions thereof purchased under sub-^{Cancellation on purchase} section 1 of section 39 are thereby cancelled and the authorized and issued capital are thereby decreased and the articles are amended accordingly.
- (2) Where its issued common shares are purchased by a ^{Cancellation or resale} corporation under subsection 2 of section 39, where mutual fund shares are accepted for surrender by a corporation under section 37, where a corporation accepts the donation of any of its shares under section 43, or where a corporation purchases the shares of a dissenting shareholder under section 100,
 - (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the corporation are thereby

decreased, and the articles are amended accordingly;

(b) if the articles do not require the shares to be cancelled,

(i) the board of directors may cancel the shares at such time as it determines, in which case the authorized and issued capital of the corporation are thereby decreased and the articles are amended accordingly; or

(ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

Corporation
insider re
purchase and
resale of
own shares

41. Where a corporation purchases its issued common shares or issued shares of its holding body corporate under subsection 2 of section 39 or resells them, the corporation shall be deemed to be an insider in respect of the purchase or resale, and sections 148 to 152 apply to the purchase or resale.

Performance
of agreement
to purchase
shares

42. An agreement for the purchase by a corporation of its shares under section 39 is not invalid or unenforceable because of the possibility that the corporation may not be able to comply with section 39, but such agreement is,

(a) subject to subsection 2 of section 135, valid if performed; and

(b) if not performed, valid and enforceable to the extent the corporation is able to purchase its shares at the time for performance.

s. 43 (2),
repealed

15. Subsection 2 of section 43 of the said Act is repealed.

s. 48 (1),
amended

16. Subsection 1 of section 48 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 12, is amended by adding after "section" in the first line "and in subsection 2 of section 39".

s. 57,
re-enacted

17. Section 57 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 15, is repealed and the following substituted therefor:

Interpre-
tation

57.—(1) In this section and in sections 58 to 62,

(a) "trust indenture" means any deed, indenture or document howsoever designated, including any supplement or amendment thereto, by the terms of which a body corporate issues

SECTION 15. The provision repealed is contained in section 40 of the Act as re-enacted by section 14 of this Bill.

SECTION 16. The amendment excepts shares purchased under section 39 (2) from the general prohibition against a subsidiary holding shares of the parent corporation.

SECTIONS 17 and 18. The trust indenture provisions are revised.

or guarantees debt obligations and in which a trustee is appointed as trustee for the holders of the debt obligations issued or guaranteed thereunder;

- (b) "trustee" means any person appointed as trustee under the terms of a trust indenture, whether or not the person is a trust company authorized to carry on business in Ontario;
- (c) "event of default" means any event specified in a trust indenture on the occurrence of which,
 - (i) the security, if any, constituted by the trust indenture shall become enforceable, or
 - (ii) the principal, interest and other moneys payable thereunder shall become or may be declared to be payable prior to maturity,

provided that any such event shall not be an event of default unless all conditions prescribed by the trust indenture in connection with such event for the giving of notice or the lapse of time or otherwise has been satisfied.

- (2) Sections 57 to 62 apply to a trust indenture, whether entered into before or after the date on which this Act comes into force, if, in respect of any of the debt obligations outstanding or guaranteed thereunder or to be issued or guaranteed thereunder, a prospectus has been filed under *The Securities Act*, R.S.O. 1970, c. 426, or any predecessor thereof, or under *The Corporations Information Act, 1971*, 1971, c. 27 or any predecessor thereof. Application of ss. 57 to 62
- (3) The person appointed as trustee under a trust indenture, or at least one of such persons if more than one is so appointed, shall be resident or authorized to do business in Ontario. Resident trustee

18. Sections 58, 59, 60, 61 and 62 of the said Act are ss. 58-62, re-enacted repealed and the following substituted therefor:

- 58.—(1) In the exercise of the rights and duties prescribed or conferred by the terms of a trust indenture, a trustee shall exercise that degree of care, diligence and skill that a reasonably prudent trustee would exercise in comparable circumstances. Duty of trustees

Exculpatory
clauses

- (2) The provisions of this section apply notwithstanding any provision in a trust indenture, including any provision relieving or purporting to relieve a trustee from liability for his own negligent action or failure to act or his own wilful misconduct.

Conflict of
interest

59. A person shall not be appointed a trustee under a trust indenture if a material conflict of interest exists in the trustee's role as a fiduciary thereunder at the time of such appointment, but if, notwithstanding the provisions of this section, such a material conflict of interest exists, the validity and enforceability of the said trust indenture, the security created thereby and thereunder and the securities issued thereunder shall not be affected in any manner whatsoever by reason only that such material conflict of interest exists but such trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office, and where a material conflict of interest arises subsequently to the appointment of the trustee under a trust indenture, the trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office.

Evidence of
compliance

- 60.—(1) The issuer or guarantor of debt obligations issued or to be issued under a trust indenture shall furnish to the trustee evidence of compliance with the conditions precedent, if any, provided for in the trust indenture relating to,
- (a) the certification and delivery of debt obligations under the trust indenture;
 - (b) the release or release and substitution of property subject to any mortgage, charge, lien or other encumbrance created by the trust indenture;
 - (c) the satisfaction and discharge of the trust indenture; or
 - (d) the taking of any other action to be taken by the trustee at the request of or on the application of the issuer or guarantor.

Idem

- (2) The evidence required under subsection 1 shall consist of,
- (a) a statutory declaration or a certificate made by any officer of the issuer or guarantor

stating that such conditions precedent have been complied with in accordance with the terms of the trust indenture;

- (b) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by a solicitor, an opinion of a solicitor that such conditions precedent have been complied with in accordance with the terms of the trust indenture; and
- (c) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by auditors or accountants, an opinion or report of the auditor of the issuer or guarantor or any accountant licensed under *The Public Accountancy Act* or comparable legislation of the jurisdiction in which such accountant practises, in each case approved by the trustee, that such conditions precedent have been complied with in accordance with the terms of the trust indenture.

R.S.O. 1970,
c. 373

(3) The evidence of compliance required under subsection ^{Idem} 1 shall include,

- (a) a statement by the person giving the evidence that he has read and is familiar with those provisions of the trust indenture relating to the conditions precedent with respect to compliance with which such evidence is being given;
- (b) a brief statement of the nature and scope of the examination or investigation upon which the statements or opinions contained in such evidence are based;
- (c) a statement that, in the belief of the person giving such evidence, he has made such examination or investigation as is necessary to enable him to make the statements or give the opinions contained or expressed therein; and
- (d) a statement whether in the opinion of such person the conditions precedent with respect to compliance with which such evidence is being given have been complied with or satisfied.

Certificate of
issuer or
guarantor

- (4) The issuer or guarantor of debt obligations under the trust indenture shall furnish the trustee annually, and at any other reasonable time if the trustee so requires, its certificate that the issuer or guarantor has complied with all covenants, conditions or other requirements contained in the trust indenture, the non-compliance with which would, with the giving of notice or the lapse of time, or both, or otherwise, constitute an event of default thereunder, or if such is not the case, specifying the covenant, condition or other requirement which has not been complied with and giving particulars of such non-compliance.

Evidence of
compliance

- (5) The issuer or guarantor of debt obligations under the trust indenture shall, whenever the trustee so requires, furnish the trustee with evidence by way of statutory declaration, opinion, report or certificate as specified by the trustee as to any action or step required or permitted to be taken by the issuer or guarantor under the trust indenture or as a result of any obligation imposed by the trust indenture.

Reliance on
opinions

- (6) In the exercise of his rights and duties, the trustee may, if he is acting in good faith, rely, as to the truth of the statements and the accuracy of the opinions expressed therein, upon a statutory declaration, opinion, report or certificate furnished to the trustee under this section or to a provision of the trust indenture or at the request of the trustee where,

(a) in the case of a statutory declaration, opinion, report or certificate furnished under this section, the trustee examines the same and determines that it complies with the applicable requirements, if any, of this section; or

(b) in the case of a statutory declaration, opinion, report or certificate furnished pursuant to a provision of the trust indenture or at the request of the trustee, the trustee examines the same and determines that it complies with the applicable requirements, if any, of the trust indenture.

Trustee
not to be
receiver

61. A trustee under a trust indenture and any related person to such trustee shall not be appointed a receiver or receiver and manager or liquidator of the assets or undertaking of the issuer or guarantor of the debt obligations under the trust indenture.

SECTION 19. For the purposes of the part dealing with investment securities, "security" is redefined to refer to the document evidencing the security.

SECTION 20. The amendment is for clarification.

SECTION 21. The amendment fixes the issuer with notice of the content of additional documents he requires to see.

SECTION 22. Notices of adverse claims expire in a year unless renewed.

SECTION. 23. The amendment sets out more particularly the duties of transfer agents and includes their duty to the security holders as well as to the issuer.

62. The trustee shall be required to give to the holders of debt obligations issued under the trust indenture, within a reasonable time but not exceeding thirty days after the trustee becomes aware of the occurrence thereof, notice of every event of default arising under the trust indenture and continuing at the time the notice is given, unless the trustee in good faith determines that the withholding of such notice is in the best interests of the holders of the debt obligations and so advises the issuer in writing. Notice of events of default

19. Clause *i* of subsection 1 of section 63 of the said Act is repealed and the following substituted therefor: s. 63 (1) (i), re-enacted

- (i) “security” means a document that evidences a security or that is a warrant.

20. Clause *b* of subsection 2 of section 68 of the said Act is repealed and the following substituted therefor: s. 68 (2) (b), re-enacted

- (b) of any security not accepted by the buyer if its resale would be unduly burdensome or there is no readily available market.

21. Section 93 of the said Act is amended by adding thereto the following subsection: s. 93, amended

- (5) If an issuer demands assurance additional to that specified in this section for a purpose other than the purposes of subsection 3 and obtains a copy of a will, trust or partnership agreement, by-law or similar document, the issuer shall be deemed to have notice of all matters contained therein affecting the transfer. Notice of additional assurances

22. Section 94 of the said Act is amended by adding thereto the following subsection: s. 94, amended

- (4) A written notice of adverse claim received by an issuer is effective for only twelve months from the date when it was received unless the notice is renewed in writing. Limitation for notices

23. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor: s. 97 (1), re-enacted

- (1) An authenticating trustee, transfer agent, registrar, or other agent for an issuer has in respect of the issue, registration of transfer, and cancellation of a security of the issuer, Duty of agents for issuer

- (a) a duty to the issuer and to the holder or owner to exercise good faith and due diligence ; and
- (b) the same obligations to the holder or owner of a security and the same rights, privileges and immunities as the issuer.

s. 98,
re-enacted

24. Section 98 of the said Act is repealed and the following substituted therefor:

Dealing by
corporation
with personal
representa-
tives

98.—(1) Where a person is shown on the records of a corporation as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the corporation for any payment or other distribution made in respect of the share whether notice of any trust has been given to the corporation or not, and the corporation is not bound to see to the application of such payment or other distribution.

Corporation
not a share-
holder of
own shares

(2) Where its own shares are purchased by a corporation under subsection 2 of section 39 or subsection 2 of section 100 or accepted by a corporation under section 37 or 43 and are not thereby cancelled or where shares of its holding body corporate are purchased by a corporation under subsection 2 of section 39, no person is entitled to receive notice of or to vote at meetings of shareholders or to receive any payment or other distribution made in respect of the shares until such shares are resold.

s. 100 (1) (a),
re-enacted

25.—(1) Clause *a* of subsection 1 of section 100 of the said Act is repealed and the following substituted therefor:

(a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of all or substantially all the property of the corporation is confirmed with or without variation by the shareholders.

s. 100 (1),
amended

(2) Subsection 1 of the said section 100 is amended by striking out “or” at the end of clause *b*, by inserting “or” at the end of clause *c* and by adding thereto the following clause:

(d) a resolution passed by the directors under section 199 is confirmed by the shareholders,

s. 100 (2),
re-enacted

(3) Subsection 2 of the said section 100 is repealed and the following substituted therefor:

SECTION 24. The provision that enables a corporation to pay dividends to a personal representative so shown on the books also permits other forms of distribution to be made in the same way.

The amendment also prohibits a corporation holding shares of its parent corporation from voting or receiving dividends.

SECTION 25.—Subsection 1. Complementary to section 6 of this Bill.

Subsections 2, 3 and 4. The amendments would permit a shareholder to require the corporation to purchase his shares when he votes against a resolution to continue the corporation under another jurisdiction.

SECTION 26.—Subsection 1. The amendment makes clear that shareholders can only call a meeting in respect of a by-law or resolution of the directors that is not effective until confirmed by the shareholders.

Subsection 2. The amendment makes it clear that the subsection refers to a meeting of shareholders called to pass a by-law or resolution that the directors did not pass as required by the requisition.

SECTION 27. The amendment ensures that directors receive notice of meetings of shareholders as a director is not necessarily a shareholder.

(2) Within ninety days from,

On amalgama-
tion or change
of jurisdiction

- (a) the date of the completion of the sale, lease, exchange or other disposition;
- (b) the date set forth in the certificate of amendment or amalgamation; or
- (c) the date of delivery to the Minister of a request in writing for his authorization under section 199,

the corporation, or amalgamated corporation, shall purchase the shares of every shareholder who has given notice under subsection 1, and every such shareholder shall sell his shares to the corporation.

(4) Subsections 5 and 6 of the said section 100 are repealed and the following substituted therefor:

s. 100 (5),
re-enacted,
s. 100 (6),
repealed

- (5) If the sale, lease, exchange or other disposition is not completed, the certificate of amendment or amalgamation is not issued, or the authorization of the Minister is not given, the rights of the dissenting shareholder under this section cease and the corporation shall not purchase the shares of such shareholder under this section.

Sale of
shares

26.—(1) Clause *b* of subsection 4 of section 101 of the said Act is repealed and the following substituted therefor:

s. 101 (4) (b),
re-enacted

- (b) if the by-law or resolution requires confirmation at a general meeting of the shareholders before it is effective, call a general meeting of the shareholders for the purpose of confirming the by-law or resolution,

.

(2) Subsection 8 of the said section 101 is repealed and the following substituted therefor:

s. 101 (8),
re-enacted

- (8) Where a by-law or resolution in respect of which a meeting of directors is requisitioned under this section is not passed or confirmed at a meeting of the shareholders, no requisition for a meeting of directors in respect of a similar by-law or resolution shall be made for a period of at least two years.

New
requisition
on same
subject

27. Clause *a* of subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1) (a),
re-enacted

- (a) notice of the time and place for holding a meeting of the shareholders shall be given to each person who is

entitled to notice of meetings and who on the record date for notice appears on the records of the corporation as a shareholder and to each director by sending the notice by prepaid mail to his latest address as shown on the records of the corporation.

s. 112 (1),
re-enacted

28. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Record
dates

- (1) The by-laws may fix in advance or may authorize the directors to fix in advance a time and date as the record date,
 - (a) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than 50 days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and
 - (b) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall not be more than two days, excluding Saturdays and holidays, before the date of the meeting and where no such record date for voting is fixed, the record date for voting shall be the time of the taking of the vote; and
 - (c) for the determination of the shareholders entitled to receive the financial statement of the corporation pursuant to subsection 1 of section 184, which record date for the financial statement shall be not more than 50 days and not fewer than 21 days before the date of the annual meeting of the shareholders and where no such record date is fixed, the record date shall be at the close of business on the day next preceding the day on which the financial statement is given or sent.

s. 117,
amended

29. Section 117 of the said Act is amended by striking out "or prior to" in the second line.

s. 120 (b),
amended

30. Clause *b* of section 120 of the said Act is amended by striking out "other than the election of directors and the

SECTION 28. The amendment empowers the directors to fix the record date, provides two clear days for the shareholders of record for voting purposes and provides a record date for the determination of shareholders entitled to receive financial statements.

SECTION 29. The amendment provides that the proxy form must be sent to the shareholders concurrently with the notice of the meeting.

SECTION 30. The amendment provides that the proxy provisions include the question of auditors' remuneration.

SECTION 31. A majority of the directors are required to be resident Canadians.

SECTION 32. Self-explanatory.

SECTION 33. The amendment provides that vacancies resulting from an increase in the board of directors can only be filled by a vote of the shareholders. Provision is also made for the articles to require vacancies to be filled by vote of the shareholders.

appointment of auditors" in the seventh, eighth and ninth lines and inserting in lieu thereof "other than the appointment of auditors and the fixing of their remuneration and the election of directors".

31. Section 122 of the said Act is amended by adding ^{s. 122, amended} thereto the following subsection:

- (3) A majority of directors on the board of directors ^{Directors to be resident Canadians} of every corporation shall be resident Canadians.

32. Section 126 of the said Act is amended by adding ^{s. 126, amended} thereto the following subsection:

- (5) It shall not be necessary for all directors to hold ^{Staggered terms} office for the same term.

33. Subsections 1 and 2 of section 128 of the said Act are ^{s. 128 (1, 2), re-enacted} repealed and the following substituted therefor:

- (1) Subject to subsections 2, 2a and 3 where a vacancy ^{Vacancies} occurs in the board, and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2) Where the number of directors is increased, the ^{Increase} vacancies resulting from such increase shall only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2a) Where part of the board of directors has been elected ^{Where elected by class of shareholders} by the holders of the shares of a class of special shares as provided in clause *d* of subsection 1 of section 27, and a vacancy occurs in that part of the board, the remaining directors or director, if any, in that part of the board may appoint a qualified person to fill the vacancy for the remainder of the term, and, if there is no such remaining director, the holders of that class of shares at a meeting thereof that may be called by any holder of shares of that class may elect a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the holders of that class of shares duly called for that purpose.

s. 130 (2),
re-enacted

34.—(1) Subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

Exception

- (2) Where the by-laws of the corporation so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the corporation a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

s. 130,
amended

(2) The said section 130 is amended by adding thereto the following subsection:

Meetings by
telephone

- (3) Subject to the by-laws of the corporation, where all the directors have consented thereto, any director may participate in a meeting of the board of directors or of the executive committee by means of conference, telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a director participating in a meeting pursuant to this subsection shall be deemed for the purposes of this Act to be present in person at that meeting.

s. 130,
amended

(3) The said section 130 is further amended by adding thereto the following subsection:

Place of
meeting by
telephone

- (4) If a majority of the directors participating in a meeting held pursuant to subsection 3 are then in Canada, the meeting shall be deemed to have been held in Canada.

s. 132 (2),
re-enacted

35. Subsection 2 of section 132 of the said Act is repealed and the following substituted therefor:

Conduct of
business

- (2) Subject to section 133 and subsection 1 of section 23, no business of a corporation shall be transacted by its directors except at a meeting of directors at which a quorum of the board is present and at which a majority of the directors present are resident Canadians.

s. 133 (1),
re-enacted

36.—(1) Subsection 1 of section 133 of the said Act is repealed and the following substituted therefor:

SECTION 34.—Subsection 1. Even though by-laws authorize meetings of directors to be held outside Ontario, a majority of meetings are required to be held in Canada.

Subsections 2 and 3. Provision is made for meetings by telephone.

SECTIONS 35 and 36. A majority of directors or members of an executive Committee at meetings are required to be resident Canadians.

SECTION 37. The amendments increase the obligations of directors to disclose interest. This obligation is extended to interest in transactions of subsidiaries, and in contracts whether considered at a meeting or not. Also their inability to vote is extended to not being counted for quorum purposes.

- (1) Where the number of directors of a corporation is more than six, and if authorized by a special by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom a majority shall be resident Canadians and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors. Executive committee

(2) The said section 133 is amended by adding thereto the following subsection: s. 133, amended

- (3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and at which a majority of the members present are resident Canadians. Conduct of business

37.—(1) Subsections 1 and 3 of section 134 of the said Act are repealed and the following substituted therefor: s. 134 (1, 3), re-enacted

- (1) Every director of a corporation who has, directly or indirectly, any interest in any contract or transaction to which the corporation or a subsidiary thereof is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the corporation or a subsidiary thereof, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum. Disclosure by director of interest in contracts
-
- (3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested When declaration of interest to be made

in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the corporation's business, would not require approval by the directors or shareholders, at the first meeting of the directors held after the director becomes aware of it.

s. 134,
amended

(2) The said section 134, as amended by the Statutes of Ontario, 1971, chapter 26, section 20, is further amended by adding thereto the following subsection:

General
notice of
interest

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the corporation is a sufficient declaration of interest in relation to any contract so made.

s. 140,
amended

38.—(1) Section 140 of the said Act is amended by inserting at the commencement thereof "Subject to subsection 2".

s. 140,
amended

(2) The said section 140 is further amended by adding thereto the following subsection:

Idem

(2) Where a class of shares carries the exclusive right to elect a part of the board of directors, no director so elected may be removed from office before the expiration of his term except by resolution passed by a majority of votes cast at a meeting of holders of shares of the class duly called for that purpose.

s. 141 (1),
re-enacted

39. Subsection 1 of section 141 of the said Act is repealed and the following substituted therefor:

Officers

(1) A corporation shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors and the same person may hold two or more offices.

s. 146,
re-enacted

40. Section 146 of the said Act is repealed and the following substituted therefor:

SECTION 38. Self-explanatory.

SECTION 39. The amendment permits officers to hold more than one office.

SECTION 40. The liability of directors for improper loans is widened to liability for actual loss to the corporation and not only for the loan.

SECTION 41.—Subsection 1. The new provision requires a register of warrant holders to be kept.

Subsection 2. The register of directors is only required to show current directors.

SECTION 42. The amendment authorizes the appointment of registrars as well as transfer agents.

SECTION 43.—Subsection 1. The amendment recognizes that transfer registers may be kept at more than one place.

Subsection 2. Self-explanatory.

146. Those directors and officers of a corporation who ^{Liability of directors and officers} authorize or consent to a loan in contravention of clause *a* of subsection 1 of section 17 or the giving, directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, any financial assistance in contravention of clause *b* of subsection 1 of section 17 are jointly and severally liable to the corporation and to its creditors for any actual loss to the corporation together with interest at the rate of 6 per cent a year.

41.—(1) Paragraph 3 of section 157 of the said Act is ^{s. 157, par. 3, amended} amended by adding thereto the following subparagraph:

- iii. all persons who are or have been within six years after the date of expiry of a warrant registered as holders of warrants of the corporation and the address including the street and number, if any, of every such person while a holder, setting out the class or series and number of warrants held by such holder.

(2) Paragraph 4 of the said section 157 is amended by in- ^{s. 157, par. 4, amended}serting after “addresses” in the second line “while directors”.

42. Section 159 of the said Act is repealed and the following ^{s. 159, re-enacted} substituted therefor:

159. A corporation may appoint a registrar to keep the ^{Transfer agents} register of security holders and a transfer agent to keep the register of transfers and may also appoint one or more branch registrars to keep branch registers of security holders and one or more branch transfer agents to keep branch registers of transfers but one person may be appointed both registrar and transfer agent.

43.—(1) Subsection 1 of section 160 of the said Act is ^{s. 160 (1), amended} amended by inserting after “office” in the third line “or offices” and by inserting after “place” in the third line “or places”.

(2) The said section 160 is amended by adding thereto the ^{s. 160, amended} following subsection:

- (5) A corporation, registrar or transfer agent is not ^{Destruction of spent documents} liable to produce a security certificate, a warrant or any document that is evidence of the issue or transfer of the security certificate or warrant after six years,
- (a) in the case of a share certificate from the date of its cancellation;

- (b) in the case of a warrant from the date of its expiry; or
- (c) in the case of a certificate representing a debt obligation, from the date of retirement of the whole debt obligation of which that certificate represents a part.

s. 162 (1),
amended

44. Subsection 1 of section 162 of the said Act is amended by striking out "of executive committees" in the fourth line and inserting in lieu thereof "any executive committee".

s. 163 (1, 2),
re-enacted

45. Subsections 1 and 2 of section 163 of the said Act are repealed and the following substituted therefor:

List of
security
holders

- (1) A shareholder or creditor or the agent or personal representative of any of them shall not make or cause to be made a list of all or any of the security holders or registered warrant holders of the corporation unless he has filed with the corporation or its agent his affidavit in the following form, and, where the shareholder or creditor is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate:

Form of Affidavit

Province of Ontario
County of

In the matter of
(Insert name of corporation)

I,, of the of,
in the of,
make oath and say:

1. I am a shareholder (or creditor) of the above-named corporation.

(Where the shareholder or creditor is a body corporate, indicate office and authority of deponent in paragraph 1.)

2. I am applying to make a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

3. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

4. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of
list

- (2) No person, other than the corporation or its agent, shall use a list obtained under this section,

SECTION 44. The amendment is for clarification only.

SECTIONS 45, 46 and 47. The amendments provide for furnishing of lists of warrant holders in the same manner as lists of security holders.

- (a) for the purpose of delivering or sending to all or any of the security holders or registered warrant holders advertising or other printed matter relating to securities, other than the securities of the corporation; or
- (b) for any purposes not connected with the corporation.

46. Subsections 1, 2, 4 and 6 of section 164 of the said Act ^{s. 164 (1, 2, 4, 6), re-enacted} are repealed and the following substituted therefor:

- (1) Any person, upon payment of a reasonable charge ^{Where list of shareholders to be furnished} therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, other than a corporation that is not offering its securities to the public, or its transfer agent to furnish within ten days from the filing of the affidavit a basic list of security holders or registered warrant holders of the corporation setting out the information required in section 157 to be set out in the register of security holders or warrant holders made up to a date not more than ten days before the date of filing the affidavit and having required such basic list, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent a written demand, may require the corporation or its transfer agent to furnish supplementary lists of transfers of securities or registered warrants for each business day following the date to which the basic list is made up, and the supplementary lists shall be furnished concurrently with the basic list and thereafter on the next business day following the day to which the supplementary list relates.
- (2) The affidavit referred to in subsection 1 shall be made ^{Form of affidavit} by the applicant and shall be in the following form:

Form of Affidavit

Province of Ontario
County of York

In the matter of
(Insert name of corporation)

I, of the of
in the of
make oath and say:

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I require a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

2. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

3. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

(4) No person shall use a list obtained under this section, Use of list

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities or warrants other than the securities or warrants of the corporation; or

(b) for any purpose not connected with the corporation.

(6) Purposes connected with the corporation include Purpose connected with corporation defined any effort to influence the voting of security holders at any meeting thereof, any offer to acquire shares of the corporation or any effort to effect an amalgamation or reorganization.

47. Section 165 of the said Act is amended by inserting s. 165, amended after "security holders" in the third line "or registered warrant holders".

48. Subsection 6 of section 168 of the said Act is repealed s. 168 (6), re-enacted and the following substituted therefor:

(6) An auditor has the right to make to the corporation, Right of auditor to make representations three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,

and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

SECTION 48. The amendment ensures that the auditor is entitled to make representations if he is replaced.

SECTION 49. The amendment is to clarify that only after-discovered facts that were reasonably determinable before the statement was prepared are required to be shown by amendment.

SECTION 50. The amendments require a financial statement and auditor's report even though the business is conducted without a meeting in the case of a one man corporation.

SECTION 51.—Subsection 1. The amendments move into the Act what is presently provided by regulation.

Subsection 2. The amendment permits basic and fully diluted earnings per share to be shown by way of note to the financial statement.

49. Subsection 4 of section 171 of the said Act, as re-enacted ^{s. 171 (4),} by the Statutes of Ontario, 1971, chapter 26, section 25, is ^{re-enacted} repealed and the following substituted therefor:

- (4) Where facts come to the attention of the officers ^{Facts} or directors, ^{discovered}
^{after}
^{statement}

(a) which could reasonably have been determined prior to the date of the last annual meeting of the shareholders; and

(b) which if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to the meeting,

the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

50. Subsection 3 of section 172 of the said Act is repealed ^{s. 172 (3),} and the following substituted therefor: ^{re-enacted}

- (3) The reference in clause *a* of subsection 1 to an ^{Idem} annual meeting of a corporation includes the completion of the action otherwise required to be taken at an annual meeting in accordance with section 23 and subsection 2 of section 107.

- (4) Subject to subsection 2 of section 107, the report of the ^{Auditor's} auditor to the shareholders shall be read at the annual ^{report to} meeting and shall be open to inspection at the meeting ^{be read} by any shareholder.

51.—(1) Clause *k* of subsection 1 of section 173 of the said ^{s. 173 (1) (k),} Act, as enacted by the Statutes of Ontario 1971, chapter 26, ^{amended} section 26, is amended by inserting at the commencement thereof "in the case of a corporation that is offering its securities to the public".

(2) Clause *l* of subsection 1 of the said section 173, as ^{s. 173 (1) (l),} enacted by the Statutes of Ontario, 1971, chapter 26, section ^{amended} 26, is amended by inserting at the commencement thereof "in the case of a corporation that is offering its securities to the public".

s. 173 (2),
amended

(3) Subsection 2 of the said section 173 is amended by striking out “g and h” in the second line and inserting in lieu thereof “g, h, k and l”.

s. 178,
amended

52. Section 178 of the said Act is amended by renumbering subsection 4 as 5 and by adding thereto the following subsection:

Exceptions

(4) Paragraphs 18 to 21 of subsection 3 do not apply to a corporation that is not offering its securities to the public.

s. 182,
amended

53. Section 182 of the said Act is amended by adding thereto the following subsection:

Right of
auditor to
be heard

(6) The auditor of a corporation shall be entitled to attend and be heard at meetings of the board of directors of the corporation on matters relating to his duties as auditor.

s. 183,
amended

54. Section 183 of the said Act is amended by inserting after “report” in the fifth line “unless the corporation is exempt under section 167”.

s. 184 (3),
re-enacted

55. Subsection 3 of section 184 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 29, is repealed and the following substituted therefor:

Financial
statement,
on demand

(3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the financial statement and, unless the corporation is exempt under section 167, a copy of the auditor’s report.

s. 198,
re-enacted

56. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 36, is repealed and the following substituted therefor:

Articles of
continuation

198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, deliver to the Minister articles of continuation in duplicate continuing it as if it had been incorporated under this Act.

SECTION 52. The amendment moves into the Act what is presently provided by regulation.

SECTION 53. Self-explanatory.

SECTIONS 54 and 55. The amendments are for clarification.

SECTION 56. The provision for articles of continuation is expanded for more particularity.

(2) The articles of continuation shall set out,

Contents
of articles

- (a) the name of the corporation to be continued;
- (b) the date on which the corporation was incorporated and the jurisdiction in which it was incorporated;
- (c) the objects for which the corporation is to be continued;
- (d) the place in Ontario where the head office of the corporation is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any;
- (e) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued;
- (f) where there are to be special shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them;
- (g) the restrictions, if any, to be placed on the transfer of its shares or any class thereof;
- (h) the number of directors of the corporation and the names in full and the residence address, giving the street and number, if any, of each person who is a director of the corporation;
- (i) that the continuation has been properly authorized under the laws of the jurisdiction in which the corporation was incorporated;
- (j) the date on which the continuation was authorized; and

- (k) any other matter required by this Act or the regulations to be set out in the articles,

and the articles may set out any provision that is authorized by this Act to be set out in articles or that could be the subject of a by-law of the corporation and shall be executed under the seal of the corporation and signed by two officers, or by one officer and one director of the corporation and verified by affidavit of one of the officers or directors signing the articles of continuation and shall be accompanied by such other material as required by the Minister.

Amendments
to original
articles

- (3) The articles of continuation shall make any amendments to the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which the body corporate was incorporated and any amendments thereto necessary to make the articles conform to the laws of Ontario and may make such other amendments as are permitted under this Act as if the body corporate were incorporated under the laws of Ontario.

Certificate

- (4) If the articles of continuation conform to law the Minister may, in his discretion, when all prescribed fees have been paid,
- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
 - (b) file one of the duplicates in his office; and
 - (c) issue to the corporation or its agent a certificate of continuation to which he shall affix the other duplicate.

Conditions

- (5) The Minister may issue the certificate of continuation on such terms and subject to such limitations and conditions and containing such provisions as appear to the Minister to be fit and proper.

Effective
date

- (6) Upon the date set forth in a certificate of continuation issued under subsection 4, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act.

s. 199 (2),
re-enacted

57. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 37, is repealed and the following substituted therefor:

SECTION 57. The amendment relates the effective date of the emigration of a corporation to the date of its reception by the other jurisdiction.

SECTION 58.—Subsection 1. The amendment requires articles of dissolution to be filed within one year after the dissolution is authorized.

Subsection 2. Notice of dissolution is required to be circulated in the principal place of business and, if none, in the place of the head office.

SECTION 59. Provision is made for dissolving a corporation for failing to file financial statements and auditor's reports under *The Securities Act*.

SECTION 60. Self-explanatory.

- (2) This Act ceases to apply to the corporation on and after the date on which the corporation is continued under the laws of the other jurisdiction and the corporation shall file with the Minister a copy of the instrument of continuation certified by the proper officer of the other jurisdiction authorized to certify such documents. Termination
of
jurisdiction

58.—(1) Subsection 1 of section 248 of the said Act is amended by inserting after “Minister” in the third line “within one year after the authorization”. s. 248 (1),
amended

(2) Clause *f* of subsection 1 of the said section 248 is amended by inserting after “place” in the third line “where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario”. s. 248 (1) (f),
amended

59.—(1) Section 251 of the said Act is amended by adding thereto the following subsection: s. 251,
amended

- (2a) Where the Minister is notified by the Commission that a corporation has not complied with the provisions of section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with the provisions of section 134 of *The Securities Act* within one year after the giving of the notice. Notice of
dissolution
for default
under
R.S.O. 1970,
c. 426

(2) Subsection 3 of the said section 251 is amended by inserting after “2” in the second line “or 2a”. s. 251 (3),
amended

60. Section 255 of the said Act is amended by adding thereto the following subsection: s. 255,
amended

- (1a) Where notices or other documents required by this Act, the articles or by-laws to be given or sent by a corporation to a shareholder have been mailed to the shareholder at his latest address as shown on the records of the corporation and where, on three consecutive occasions, notices or other documents have been returned by the Post Office to the corporation, the corporation is not required to mail to the shareholder any further notices or other documents until such time as the corporation receives written notice from the shareholder requesting that notices and other documents be sent to the shareholder at a specified address. Undelivered
mail

s. 272 (1),
amended

61. Subsection 1 of section 272 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 45, is amended by inserting at the commencement thereof "Until the 1st day of January, 1975".

Commence-
ment

62.—(1) This Act, except subsection 2 of section 1, section 31, subsections 1 and 3 of section 34, and sections 35 and 36, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1, section 31, subsections 1 and 3 of section 34 and sections 35 and 36 come into force on the 1st day of October, 1973.

Short title

63. This Act may be cited as *The Business Corporations Amendment Act, 1972*.

SECTION 61. The amendment sets the 1st day of January, 1975 as the date after which letters patent issued before the Act must be made to conform with the Act.

An Act to amend
The Business Corporations Act

1st Reading

June 15th, 1972

2nd Reading

3rd Reading

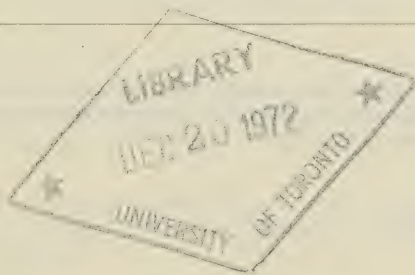
THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Business Corporations Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



(Reprinted as amended by the Committee of the Whole House)

1971, c. 27

thereof or in respect of which a prospectus has been filed under *The Corporations Information Act, 1971*, or any predecessor thereof, so long as any of such securities are outstanding or any securities into which such securities are converted are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen security holders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

s. 6,
re-enacted

2. Section 6 of the said Act is repealed and the following substituted therefor:

Number
as name

- 6.—(1) Upon the request of the incorporators or the corporation, the Minister may determine and assign a number in a proposed corporate name.

Idem

- (2) Where the Minister assigns a number under subsection 1, the name of the corporation shall consist of the number followed by the word "Ontario" and the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." as the last word thereof.

Amendment

- (3) Where, through inadvertence or otherwise, the Minister has assigned a number in the name of a corporation that is the same as the number in the name of any other body corporate, the Minister may issue a certificate of amendment to the articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

s. 8 (1),
amended

3. Subsection 1 of section 8 of the said Act is amended by inserting after "corporation" in the first line "except a corporation to which the Minister has assigned a number as part of the name of the corporation".

SECTION 2. Provision is made for assigning numbers as names of corporations where desired.

SECTION 3. Complementary to section 2 of this Bill.

SECTION 4. The provision is a re-enactment of the present section 6 (1) of the Act.

SECTION 5.—Subsection 1. The period for which a name can be reserved is extended from sixty to ninety days.

Subsection 2. The reservation of a name does not apply to numbers.

SECTION 6. The ancillary power of corporations to dispose of their property is amended to make it subject to additional authorization specified in the articles.

SECTION 7. The new clause is added to the loans that may be made by corporations.

SECTION 8. The amendments are complementary to section 11 of this Bill.

4. Section 10 of the said Act is amended by renumbering ^{s. 10, amended} subsections 1 and 2 as 2 and 3, respectively and by adding thereto the following subsection:

- (1) The name of a corporation shall have the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." ^{Use of "Limited", "Incorporated", etc.} as the last word thereof.

5.—(1) Subsection 1 of section 11 of the said Act is ^{s. 11 (1), amended} amended by striking out "sixty" in the fourth line and inserting in lieu thereof "ninety".

(2) The said section 11 is further amended by adding ^{s. 11, amended} thereto the following subsection:

- (3) No person may reserve a corporate name to which section 6 applies.

6. Paragraph 17 of subsection 2 of section 15 of the said Act ^{s. 15 (2), par. 17, re-enacted} is repealed and the following substituted therefor:

17. where authorized to do so by a special resolution and by such additional authorization as the articles provide, to sell, lease, exchange or otherwise dispose of all or substantially all the property of the corporation for such consideration as the corporation thinks fit.

7. Subsection 2 of section 17 of the said Act is ^{s. 17 (2), amended} amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

- (*e*) if it is not offering its securities to the public, give directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, financial assistance to any of its shareholders or directors with a view to enabling them to purchase issued shares of the corporation.

8.—(1) Subsection 2 of section 26 of the said Act is ^{s. 26 (2), amended} amended by inserting at the commencement thereof "Except as provided in subsection 1 of section 37".

(2) Subsection 3 of the said section 26 is ^{s. 26 (3), amended} amended by inserting at the commencement thereof "Except as provided in subsection 1 of section 37".

s. 27 (1) (f),
re-enacted

9. Clause *f* of subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

- (f) the right of the corporation at its option to redeem all or part of the shares of the class or the right of a shareholder at his option to require the redemption of all or part of his shares of the class.

s. 34 (1),
amended

10. Subsection 1 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 6, is amended by inserting after "redeemable" in the second line "at the option of the corporation".

s. 37 (1),
re-enacted

11. Subsection 1 of section 37 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 8, is repealed and the following substituted therefor:

Mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of special shares that are mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof, and where a corporation to which this section applies has one or more classes of mutual fund shares of which one class has attached thereto no conditions, restrictions, limitations or prohibitions on the right to vote, the corporation is not required to have any other class of shares.

s. 38 (3),
repealed

12. Subsection 3 of section 38 of the said Act is repealed.

s. 39,
re-enacted

13. Section 39 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 9, is repealed and the following substituted therefor:

Purchase of
common
shares

- 39.—(1) A corporation may purchase any of its issued shares if the purchase is made for the purpose of eliminating fractions of shares or for the purpose of collecting or compromising indebtedness to the corporation.

Idem

- (2) Where authorized in its articles and subject to any restrictions contained therein, a corporation may purchase any of its issued common shares.

SECTION 9. The conditions that may be attached to special shares are amended to include the right of the shareholder to require redemption.

SECTION 10. The amendment clarifies that the procedure for selecting shares for redemption by the corporation does not apply to redemptions made at the request of shareholders.

SECTION 11. The amendment permits mutual fund corporations to have only one class of shares, being special shares with voting rights.

SECTION 12. The provision repealed is contained in section 40 as re-enacted by section 14 of this Bill.

SECTION 13. The provision for the purchase by a corporation of its own common shares and the conditions applying are extended to include all shares.

SECTION 14. The amendment adjusts the terminology to provide for purchase of mutual fund shares and to recognize the purchase of shares other than common shares.

- (3) A corporation shall not purchase shares under this ^{Idem} section if the corporation is insolvent or if the purchase would render the corporation insolvent.
- (4) No purchase of shares shall be made under this ^{Idem} section by a corporation unless the purchase is authorized by a resolution of the board of directors.
- (5) Where a corporation purchases shares under sub-^{Method of purchase} section 2, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
 - (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation; or
 - (c) where the shares to be purchased are of a body corporate that is offering its shares to the public, by purchase on the open market.
- (6) Where, in response to the invitation for tenders, two ^{Idem} or more shareholders submit tenders at the same price and the tenders are accepted by the corporation as to part only of the shares offered, the corporation shall accept part of the shares offered in each tender in proportion as nearly as may be to the total number of shares offered in each tender.

14. Sections 40, 41 and 42 of the said Act are repealed and ^{ss. 40, 41, 42, re-enacted} the following substituted therefor:

- 40.—(1) Shares or fractions thereof purchased under sub-^{Cancellation on purchase} section 1 of section 39 are thereby cancelled and the authorized and issued capital are thereby decreased and the articles are amended accordingly.
- (2) Where its issued common shares are purchased by a ^{Cancellation or resale} corporation under subsection 2 of section 39, where mutual fund shares are accepted for surrender by a corporation under section 37, where a corporation accepts the donation of any of its shares under section 43, or where a corporation purchases the shares of a dissenting shareholder under section 100,
 - (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the corporation are thereby

decreased, and the articles are amended accordingly;

(b) if the articles do not require the shares to be cancelled,

(i) the board of directors may cancel the shares at such time as it determines, in which case the authorized and issued capital of the corporation are thereby decreased and the articles are amended accordingly; or

(ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

Corporation
insider re
purchase and
resale of
own shares

41. Where a corporation purchases its issued common shares under subsection 2 of section 39, accepts a donation of any of its shares under section 43, purchases any of its shares under section 100, or resells them, the corporation shall be deemed to be an insider in respect of the purchase or resale, and sections 148 to 152 apply to the purchase or resale.

Performance
of agreement
to purchase
shares

42. An agreement for the purchase by a corporation of its shares under section 39 is not invalid or unenforceable because of the possibility that the corporation may not be able to comply with section 39, but such agreement is,

(a) subject to subsection 2 of section 135, valid if performed; and

(b) if not performed, valid and enforceable to the extent the corporation is able to purchase its shares at the time for performance.

s. 43 (2),
repealed

15. Subsection 2 of section 43 of the said Act is repealed.

s. 57,
re-enacted

16. Section 57 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 15, is repealed and the following substituted therefor:

Interpre-
tation

57.—(1) In this section and in sections 58 to 62,

(a) "trust indenture" means any deed, indenture or document howsoever designated, including any supplement or amendment thereto, by the terms of which a body corporate issues

SECTION 15. The provision repealed is contained in section 40 of the Act as re-enacted by section 14 of this Bill.

SECTIONS 16 and 17. The trust indenture provisions are revised.

or guarantees debt obligations and in which a trustee is appointed as trustee for the holders of the debt obligations issued or guaranteed thereunder;


(b) "trustee" means any person appointed as trustee under the terms of a trust indenture, whether or not the person is a trust company authorized to carry on business in Ontario;

(c) "event of default" means any event specified in a trust indenture on the occurrence of which,

(i) the security interest, if any, constituted by the trust indenture shall become enforceable, or

(ii) the principal, interest and other moneys payable thereunder shall become or may be declared to be payable prior to maturity,

provided that any such event shall not be an event of default unless all conditions prescribed by the trust indenture in connection with such event for the giving of notice or the lapse of time or otherwise has been satisfied.

 (2) Sections 57 to 62 apply to a trust indenture, whether entered into before or after the date on which this Act comes into force, if, in respect of any of the debt obligations outstanding or guaranteed thereunder or to be issued or guaranteed thereunder, a prospectus or securities exchange take-over bid circular has been filed under *The Securities Act* or any predecessor thereof or in respect of which a prospectus has been filed under *The Corporations Information Act*, or any predecessor thereof. Application of ss. 57 to 62
R.S.O. 1970,
cc. 426, 72

(3) The person appointed as trustee under a trust indenture, or at least one of such persons if more than one is so appointed, shall be resident or authorized to do business in Ontario. Resident trustee

17. Sections 58, 59, 60, 61 and 62 of the said Act are repealed and the following substituted therefor: ss. 58-62,
re-enacted

58.—(1) In the exercise of the rights and duties prescribed or conferred by the terms of a trust indenture, a trustee shall exercise that degree of care, diligence and skill that a reasonably prudent trustee would exercise in comparable circumstances. Duty of trustees

Exculpatory
clauses

- (2). The provisions of this section apply notwithstanding any provision in a trust indenture, including any provision relieving or purporting to relieve a trustee from liability for his own negligent action or failure to act or his own wilful misconduct.

Conflict of
interest

59. A person shall not be appointed a trustee under a trust indenture if a material conflict of interest exists in the trustee's role as a fiduciary thereunder at the time of such appointment, but if, notwithstanding the provisions of this section, such a material conflict of interest exists, the validity and enforceability of the the said trust indenture, the security interest created thereby and thereunder and the securities issued thereunder shall not be affected in any manner whatsoever by reason only that such material conflict of interest exists but such trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office, and where a material conflict of interest arises subsequently to the appointment of the trustee under a trust indenture, the trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office.

Evidence of
compliance

- 60.—(1) The issuer or guarantor of debt obligations issued or to be issued under a trust indenture shall furnish to the trustee evidence of compliance with the conditions precedent provided for in the trust indenture relating to,
- (a) the certification and delivery of debt obligations under the trust indenture;
 - (b) the release or release and substitution of property subject to any mortgage, charge, lien or other encumbrance created by the trust indenture;
 - (c) the satisfaction and discharge of the trust indenture; or
 - (d) the taking of any other action to be taken by the trustee at the request of or on the application of the issuer or guarantor.

Idem

- (2) The evidence of compliance required under subsection 1 shall consist of,
- (a) a statutory declaration or a certificate made by any officer of the issuer or guarantor

stating that such conditions precedent have been complied with in accordance with the terms of the trust indenture;

- (b) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by a solicitor, an opinion of a solicitor that such conditions precedent have been complied with in accordance with the terms of the trust indenture; and
- (c) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by auditors or accountants, an opinion or report of the auditor of the issuer or guarantor or any accountant licensed under *The Public Accountancy Act* or ^{R.S.O. 1970, c. 373} comparable legislation of the jurisdiction in which such accountant practises, in each case approved by the trustee, that such conditions precedent have been complied with in accordance with the terms of the trust indenture.

(3) The evidence of compliance required under subsection ^{Idem} 1 shall include,

- (a) a statement by the person giving the evidence that he has read and is familiar with those provisions of the trust indenture relating to the conditions precedent with respect to compliance with which such evidence is being given;
- (b) a brief statement of the nature and scope of the examination or investigation upon which the statements or opinions contained in such evidence are based;
- (c) a statement that, in the belief of the person giving such evidence, he has made such examination or investigation as is necessary to enable him to make the statements or give the opinions contained or expressed therein; and
- (d) a statement whether in the opinion of such person the conditions precedent with respect to compliance with which such evidence is being given have been complied with or satisfied.

Certificate of
issuer or
guarantor

- (4) The issuer or guarantor of debt obligations under the trust indenture shall furnish the trustee annually, and at any other reasonable time if the trustee so requires, its certificate that the issuer or guarantor has complied with all covenants, conditions or other requirements contained in the trust indenture, the non-compliance with which would, with the giving of notice or the lapse of time, or both, or otherwise, constitute an event of default thereunder, or if such is not the case, specifying the covenant, condition or other requirement which has not been complied with and giving particulars of such non-compliance.

Evidence of
compliance

- (5) The issuer or guarantor of debt obligations under the trust indenture shall, whenever the trustee so requires, furnish the trustee with evidence by way of statutory declaration, opinion, report or certificate as specified by the trustee as to any action or step required or permitted to be taken by the issuer or guarantor under the trust indenture or as a result of any obligation imposed by the trust indenture.

Reliance on
opinions

- (6) In the exercise of his rights and duties, the trustee may, if he is acting in good faith, rely, as to the truth of the statements and the accuracy of the opinions expressed therein, upon a statutory declaration, opinion, report or certificate furnished to the trustee under this section or a provision of the trust indenture or at the request of the trustee where,

(a) in the case of a statutory declaration, opinion, report or certificate furnished under this section, the trustee examines the same and determines that it complies with the applicable requirements, if any, of this section; or

(b) in the case of a statutory declaration, opinion, report or certificate furnished pursuant to a provision of the trust indenture or at the request of the trustee, the trustee examines the same and determines that it complies with the applicable requirements, if any, of the trust indenture.

Trustee
not to be
receiver

61. A trustee under a trust indenture and any related person to such trustee shall not be appointed a receiver or receiver and manager or liquidator of the assets or undertaking of the issuer or guarantor of the debt obligations under the trust indenture.

SECTION 18. For the purposes of the part dealing with investment securities, "security" is redefined to refer to the document evidencing the security.

SECTION 19. The amendment is for clarification.

SECTION 20. The amendment fixes the issuer with notice of the content of additional documents he requires to see.

SECTION 21. Notices of adverse claims expire in a year unless renewed.

SECTION. 22. The amendment sets out more particularly the duties of transfer agents and includes their duty to the security holders as well as to the issuer.

62. The trustee shall be required to give to the holders of debt obligations issued under the trust indenture, ^{Notice of events of default} within a reasonable time but not exceeding thirty days after the trustee becomes aware of the occurrence thereof, notice of every event of default arising under the trust indenture and continuing at the time the notice is given, unless the trustee in good faith determines that the withholding of such notice is in the best interests of the holders of the debt obligations and so advises the issuer in writing.

18. Clause *i* of subsection 1 of section 63 of the said Act ^{s. 63 (1) (i), re-enacted} is repealed and the following substituted therefor:

- (i) "security" means a document that evidences a security or that is a warrant.

19. Clause *b* of subsection 2 of section 68 of the said Act ^{s. 68 (2) (b), re-enacted} is repealed and the following substituted therefor:

- (b) of any security not accepted by the buyer if its resale would be unduly burdensome or there is no readily available market.

20. Section 93 of the said Act is amended by adding thereto ^{s. 93, amended} the following subsection:

- (5) If an issuer demands assurance additional to that specified in this section for a purpose other than the purposes of subsection 3 and obtains a copy of a will, trust or partnership agreement, by-law or similar document, the issuer shall be deemed to have notice of all matters contained therein affecting the transfer. ^{Notice of additional assurances}

21. Section 94 of the said Act is amended by adding thereto ^{s. 94, amended} the following subsection:

- (4) A written notice of adverse claim received by an issuer is effective for only twelve months from the date when it was received unless the notice is renewed in writing. ^{Limitation for notices}

22. Subsection 1 of section 97 of the said Act is repealed ^{s. 97 (1), re-enacted} and the following substituted therefor:

- (1) An authenticating trustee, transfer agent, registrar, ^{Duty of agents for issuer} or other agent for an issuer has in respect of the issue, registration of transfer, and cancellation of a security of the issuer,

- (a) a duty to the issuer and to the holder or owner to exercise good faith and due diligence; and
- (b) the same obligations to the holder or owner of a security and the same rights, privileges and immunities as the issuer.

s. 98,
re-enacted

23. Section 98 of the said Act is repealed and the following substituted therefor:

Dealing by
corporation
with personal
representa-
tives

98.—(1) Where a person is shown on the records of a corporation as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the corporation for any payment or other distribution made in respect of the share whether notice of any trust has been given to the corporation or not, and the corporation is not bound to see to the application of such payment or other distribution.

Corporation
not a share-
holder of
own shares

(2) Where its own shares are purchased by a corporation under subsection 2 of section 39 or subsection 2 of section 100 or accepted by a corporation under section 37 or 43 and are not thereby cancelled, no person is entitled to receive notice of or to vote at meetings of shareholders or to receive any payment or other distribution made in respect of the shares until such shares are resold.

s. 100 (1) (a),
re-enacted

24.—(1) Clause *a* of subsection 1 of section 100 of the said Act is repealed and the following substituted therefor:

(a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of all or substantially all the property of the corporation is confirmed with or without variation by the shareholders.

s. 100 (1),
amended

(2) Subsection 1 of the said section 100 is amended by striking out “or” at the end of clause *b*, by inserting “or” at the end of clause *c* and by adding thereto the following clause:

(d) a resolution passed by the directors under section 199 is confirmed by the shareholders,

s. 100 (2),
re-enacted

(3) Subsection 2 of the said section 100 is repealed and the following substituted therefor:

SECTION 23. The provision that enables a corporation to pay dividends to a personal representative so shown on the books also permits other forms of distribution to be made in the same way.

SECTION 24.—Subsection 1. Complementary to section 6 of this Bill.

Subsections 2, 3 and 4. The amendments would permit a shareholder to require the corporation to purchase his shares when he votes against a resolution to continue the corporation under another jurisdiction.

SECTION 25.—Subsection 1. The amendment makes clear that shareholders can only call a meeting in respect of a by-law or resolution of the directors that is not effective until confirmed by the shareholders.

Subsection 2. The amendment makes it clear that the subsection refers to a meeting of shareholders called to pass a by-law or resolution that the directors did not pass as required by the requisition.

SECTION 26. The amendment ensures that directors receive notice of meetings of shareholders as a director is not necessarily a shareholder.

(2) Within ninety days from,

On amalgama-
tion or change
of jurisdiction

- (a) the date of the completion of the sale, lease, exchange or other disposition;
- (b) the date set forth in the certificate of amendment or amalgamation; or
- (c) the date of delivery to the Minister of a request in writing for his authorization under section 199,

the corporation, or amalgamated corporation, shall purchase the shares of every shareholder who has given notice under subsection 1, and every such shareholder shall sell his shares to the corporation.

(4) Subsections 5 and 6 of the said section 100 are repealed and the following substituted therefor:

s. 100 (5),
re-enacted,
s. 100 (6),
repealed

- (5) If the sale, lease, exchange or other disposition is not completed, the certificate of amendment or amalgamation is not issued, or the authorization of the Minister is not given, the rights of the dissenting shareholder under this section cease and the corporation shall not purchase the shares of such shareholder under this section.

Sale of
shares

25.—(1) Clause *b* of subsection 4 of section 101 of the said Act is repealed and the following substituted therefor:

s. 101 (4) (b),
re-enacted

- (b) if the by-law or resolution requires confirmation at a general meeting of the shareholders before it is effective, call a general meeting of the shareholders for the purpose of confirming the by-law or resolution,

(2) Subsection 8 of the said section 101 is repealed and the following substituted therefor:

s. 101 (8),
re-enacted

- (8) Where a by-law or resolution in respect of which a meeting of directors is requisitioned under this section is not passed or confirmed at a meeting of the shareholders, no requisition for a meeting of directors in respect of a similar by-law or resolution shall be made for a period of at least two years.

New
requisition
on same
subject

26. Clause *a* of subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1) (a),
re-enacted

- (a) notice of the time and place for holding a meeting of the shareholders shall be given to each person who is

entitled to notice of meetings and who on the record date for notice appears on the records of the corporation as a shareholder and to each director by sending the notice by prepaid mail to his latest address as shown on the records of the corporation.

s. 112 (1),
re-enacted

27. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Record
dates

(1) The by-laws may fix in advance or may authorize the directors to fix in advance a time and date as the record date,

(a) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than 50 days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and

(b) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall not be more than two days, excluding Saturdays and holidays, before the date of the meeting and where no such record date for voting is fixed, the record date for voting shall be the time of the taking of the vote; and

(c) for the determination of the shareholders entitled to receive the financial statement of the corporation pursuant to subsection 1 of section 184, which record date for the financial statement shall be not more than 50 days and not fewer than 21 days before the date of the annual meeting of the shareholders and where no such record date is fixed, the record date shall be at the close of business on the day next preceding the day on which the financial statement is given or sent.

s. 117,
amended

28. Section 117 of the said Act is amended by striking out "or prior to" in the second line.

s. 120 (b),
amended

29. Clause *b* of section 120 of the said Act is amended by striking out "other than the election of directors and the

SECTION 27. The amendment empowers the directors to fix the record date, provides two clear days for the shareholders of record for voting purposes and provides a record date for the determination of shareholders entitled to receive financial statements.

SECTION 28. The amendment provides that the proxy form must be sent to the shareholders concurrently with the notice of the meeting.

SECTION 29. The amendment provides that the proxy provisions include the question of auditors' remuneration.

SECTION 30. A majority of the directors are required to be resident Canadians.

SECTION 31. Self-explanatory.

SECTION 32. The amendment provides that vacancies resulting from an increase in the board of directors can only be filled by a vote of the shareholders. Provision is also made for the articles to require vacancies to be filled by vote of the shareholders.

appointment of auditors" in the seventh, eighth and ninth lines and inserting in lieu thereof "other than the appointment of auditors and the fixing of their remuneration and the election of directors".

30. Section 122 of the said Act is amended by adding ^{s. 122, amended} thereto the following subsection:

- (3) A majority of directors on the board of directors ^{Directors to be resident Canadians} of every corporation shall be resident Canadians.

31. Section 126 of the said Act is amended by adding ^{s. 126, amended} thereto the following subsection:

- (5) It shall not be necessary for all directors to hold ^{Staggered terms} office for the same term.

32. Subsections 1 and 2 of section 128 of the said Act are ^{s. 128 (1, 2), re-enacted} repealed and the following substituted therefor:

- (1) Subject to subsections 2, 2a and 3 where a vacancy ^{Vacancies} occurs in the board, and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2) Where the number of directors is increased, the ^{Increase} vacancies resulting from such increase shall only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2a) Where part of the board of directors has been elected ^{Where elected by class of shareholders} by the holders of the shares of a class of special shares as provided in clause *d* of subsection 1 of section 27, and a vacancy occurs in that part of the board, the remaining directors or director, if any, in that part of the board may appoint a qualified person to fill the vacancy for the remainder of the term, and, if there is no such remaining director, the holders of that class of shares at a meeting thereof that may be called by any holder of shares of that class may elect a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the holders of that class of shares duly called for that purpose.

s. 130 (2),
re-enacted

33.—(1) Subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

Exception

- (2) Where the by-laws of the corporation so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the corporation a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

s. 130,
amended

(2) The said section 130 is amended by adding thereto the following subsection:

Meetings by
telephone

- (3) Subject to the by-laws of the corporation, where all the directors have consented thereto, any director may participate in a meeting of the board of directors or of the executive committee by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a director participating in a meeting pursuant to this subsection shall be deemed for the purposes of this Act to be present in person at that meeting.

s. 130,
amended

(3) The said section 130 is further amended by adding thereto the following subsection:

Place of
meeting by
telephone

- (4) If a majority of the directors participating in a meeting held pursuant to subsection 3 are then in Canada, the meeting shall be deemed to have been held in Canada.

s. 132 (2),
re-enacted

34. Subsection 2 of section 132 of the said Act is repealed and the following substituted therefor:

Conduct of
business

- (2) Subject to section 133 and subsection 1 of section 23, no business of a corporation shall be transacted by its board of directors except at a meeting of directors at which a quorum of the board is present and at which a majority of the directors present are resident Canadians.

s. 133 (1),
re-enacted

35.—(1) Subsection 1 of section 133 of the said Act is repealed and the following substituted therefor:

SECTION 33.—Subsection 1. Even though by-laws authorize meetings of directors to be held outside Ontario, a majority of meetings are required to be held in Canada.

Subsections 2 and 3. Provision is made for meetings by telephone.

SECTIONS 34 and 35. A majority of directors or members of an executive committee at meetings are required to be resident Canadians.

SECTION 36. The amendments increase the obligations of directors to disclose interest. This obligation is extended to interest in transactions of subsidiaries, and in contracts whether considered at a meeting or not. Also their inability to vote is extended to not being counted for quorum purposes.

- (1) Where the number of directors of a corporation is more than six, and if authorized by a special by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom a majority shall be resident Canadians and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors. ^{Executive committee}

(2) The said section 133 is amended by adding thereto the following subsection: ^{s. 133, amended}

- (3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and at which a majority of the members present are resident Canadians. ^{Conduct of business}

36.—(1) Subsections 1 and 3 of section 134 of the said Act are repealed and the following substituted therefor: ^{s. 134 (1, 3), re-enacted}

- (1) Every director of a corporation who has, directly or indirectly, any interest in any contract or transaction to which the corporation or a subsidiary thereof is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the corporation or a subsidiary thereof, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum. ^{Disclosure by director of interest in contracts}

- (3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested ^{When declaration of interest to be made}

in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the corporation's business, would not require approval by the directors or shareholders, at the first meeting of the directors held after the director becomes aware of it.

s. 134,
amended

(2) The said section 134, as amended by the Statutes of Ontario, 1971, chapter 26, section 20, is further amended by adding thereto the following subsection:

General
notice of
interest

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the corporation is a sufficient declaration of interest in relation to any contract so made.

s. 140,
amended

37.—(1) Section 140 of the said Act is amended by inserting at the commencement thereof "Subject to subsection 2".

s. 140,
amended

(2) The said section 140 is further amended by adding thereto the following subsection:

Idem

(2) Where a class of shares carries the exclusive right to elect a part of the board of directors, no director so elected may be removed from office before the expiration of his term except by resolution passed by a majority of votes cast at a meeting of holders of shares of the class duly called for that purpose.

s. 141 (1),
re-enacted

38. Subsection 1 of section 141 of the said Act is repealed and the following substituted therefor:

Officers

(1) A corporation shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors and the same person may hold two or more offices.

s. 146,
re-enacted

39. Section 146 of the said Act is repealed and the following substituted therefor:

SECTION 37. Self-explanatory.

SECTION 38. The amendment permits officers to hold more than one office.

SECTION 39. The liability of directors for improper loans is widened to liability for actual loss to the corporation and not only for the loan.

SECTION 40.—Subsection 1. The new provision requires a register of warrant holders to be kept.

Subsection 2. The register of directors is only required to show current directors.

SECTION 41. The amendment authorizes the appointment of registrars as well as transfer agents.

SECTION 42.—Subsection 1. The amendment recognizes that transfer registers may be kept at more than one place.

Subsection 2. Self-explanatory.

146. Those directors and officers of a corporation who ^{Liability of directors and officers} authorize or consent to a loan in contravention of clause *a* of subsection 1 of section 17 or the giving, directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, any financial assistance in contravention of clause *b* of subsection 1 of section 17 are jointly and severally liable to the corporation and to its creditors for any actual loss to the corporation arising out of the contravention, together with interest at the rate of 6 per cent a year.

40.—(1) Paragraph 3 of section 157 of the said Act is ^{s. 157, par. 3, amended} amended by adding thereto the following subparagraph:

- iii. all persons who are or have been within six years after the date of expiry of a warrant registered as holders of warrants of the corporation and the address including the street and number, if any, of every such person while a holder, setting out the class or series and number of warrants held by such holder.

(2) Paragraph 4 of the said section 157 is amended by in- ^{s. 157, par. 4, amended}serting after “addresses” in the second line “while directors”.

41. Section 159 of the said Act is repealed and the following ^{s. 159, re-enacted} substituted therefor:

159. A corporation may appoint a registrar to keep the ^{Transfer agents} register of security holders and a transfer agent to keep the register of transfers and may also appoint one or more branch registrars to keep branch registers of security holders and one or more branch transfer agents to keep branch registers of transfers but one person may be appointed both registrar and transfer agent.

42.—(1) Subsection 1 of section 160 of the said Act is ^{s. 160 (1), amended} amended by inserting after “office” in the third line “or offices” and by inserting after “place” in the third line “or places”.

(2) The said section 160 is amended by adding thereto the ^{s. 160, amended} following subsection:

- (5) A corporation, registrar or transfer agent is not ^{Destruction of spent documents} liable to produce a security certificate, a warrant or any document that is evidence of the issue or transfer of the security certificate or warrant after six years,
- (a) in the case of a share certificate from the date of its cancellation;

- (b) in the case of a warrant from the date of its expiry; or
- (c) in the case of a certificate representing a debt obligation, from the date of retirement of the whole debt obligation of which that certificate represents a part.

s. 162 (1),
amended

43. Subsection 1 of section 162 of the said Act is amended by striking out "of executive committees" in the fourth line and inserting in lieu thereof "any executive committee".

s. 163 (1, 2),
re-enacted

44. Subsections 1 and 2 of section 163 of the said Act are repealed and the following substituted therefor:

List of
security
holders

- (1) A shareholder or creditor or the agent or personal representative of any of them shall not make or cause to be made a list of all or any of the security holders or registered warrant holders of the corporation unless he has filed with the corporation or its agent his affidavit in the following form, and, where the shareholder or creditor is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate:

Form of Affidavit

Province of Ontario
County of

In the matter of
(Insert name of corporation)

I,, of the of,
in the of,
make oath and say:

- 1. I am a shareholder (or creditor) of the above-named corporation.

(Where the shareholder or creditor is a body corporate, indicate office and authority of deponent in paragraph 1.)

- 2. I am applying to make a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

- 3. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

- 4. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of
list

- (2) No person, other than the corporation or its agent, shall use a list obtained under this section,

SECTION 43. The amendment is for clarification only.

SECTIONS 44, 45 and 46. The amendments provide for furnishing of lists of warrant holders in the same manner as lists of security holders.

- (a) for the purpose of delivering or sending to all or any of the security holders or registered warrant holders advertising or other printed matter relating to securities, other than the securities of the corporation ; or
- (b) for any purposes not connected with the corporation.

45. Subsections 1, 2, 4 and 6 of section 164 of the said Act ^{s. 164 (1, 2, 4, 6), re-enacted} are repealed and the following substituted therefor :

- (1) Any person, upon payment of a reasonable charge ^{Where list of shareholders to be furnished} therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, other than a corporation that is not offering its securities to the public, or its transfer agent to furnish within ten days from the filing of the affidavit a basic list of security holders or registered warrant holders of the corporation setting out the information required in section 157 to be set out in the register of security holders or warrant holders made up to a date not more than ten days before the date of filing the affidavit and having required such basic list, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent a written demand, may require the corporation or its transfer agent to furnish supplementary lists of transfers of securities or registered warrants for each business day following the date to which the basic list is made up, and the supplementary lists shall be furnished concurrently with the basic list and thereafter on the next business day following the day to which the supplementary list relates.
- (2) The affidavit referred to in subsection 1 shall be made ^{Form of affidavit} by the applicant and shall be in the following form :

Form of Affidavit

Province of Ontario
County of York

In the matter of
(Insert name of corporation)

I, of the of

in the of

make oath and say :

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I require a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

2. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

3. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of list

(4) No person shall use a list obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities or warrants other than the securities or warrants of the corporation; or

(b) for any purpose not connected with the corporation.

Purpose
connected
with
corporation
defined

(6) Purposes connected with the corporation include any effort to influence the voting of security holders at any meeting thereof, any offer to acquire shares of the corporation or any effort to effect an amalgamation or reorganization.

s. 165,
amended

46. Section 165 of the said Act is amended by inserting after "security holders" in the third line "or registered warrant holders".

s. 168 (6),
re-enacted

47. Subsection 6 of section 168 of the said Act is repealed and the following substituted therefor:

Right of
auditor
to make
repre-
sentations

(6) An auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,

and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

SECTION 47. The amendment ensures that the auditor is entitled to make representations if he is replaced.

SECTION 48. The amendment is to clarify that only after-discovered facts that were reasonably determinable before the statement was prepared are required to be shown by amendment.

SECTION 49. The amendments require a financial statement and auditor's report even though the business is conducted without a meeting in the case of a one man corporation.

SECTION 50.—Subsection 1. The amendments move into the Act what is presently provided by regulation.

Subsection 2. The amendment permits basic and fully diluted earnings per share to be shown by way of note to the financial statement.

48. Subsection 4 of section 171 of the said Act, as re-enacted ^{s. 171 (4), re-enacted} by the Statutes of Ontario, 1971, chapter 26, section 25, is repealed and the following substituted therefor:

- (4) Where facts come to the attention of the officers ^{Facts discovered after statement} or directors,

(a) which could reasonably have been determined prior to the date of the last annual meeting of the shareholders; and

(b) which if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to the meeting,

the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

49. Subsection 3 of section 172 of the said Act is repealed ^{s. 172 (3), re-enacted} and the following substituted therefor:

- (3) The reference in clause *a* of subsection 1 to an ^{Idem} annual meeting of a corporation includes the completion of the action otherwise required to be taken at an annual meeting in accordance with section 23 and subsection 2 of section 107.

- (4) Subject to subsection 2 of section 107, the report of the auditor to the shareholders shall be read at the annual ^{Auditor's report to be read} meeting and shall be open to inspection at the meeting by any shareholder.

50.—(1) Clause *k* of subsection 1 of section 173 of the said ^{s. 173 (1) (k), amended} Act, as enacted by the Statutes of Ontario 1971, chapter 26, section 26, is amended by inserting at the commencement thereof “in the case of a corporation that is offering its securities to the public”.

(2) Clause *l* of subsection 1 of the said section 173, as ^{s. 173 (1) (l), amended} enacted by the Statutes of Ontario, 1971, chapter 26, section 26, is amended by inserting at the commencement thereof “in the case of a corporation that is offering its securities to the public”.

s. 173 (2),
amended

(3) Subsection 2 of the said section 173 is amended by striking out "*g* and *h*" in the second line and inserting in lieu thereof "*g*, *h*, *k* and *l*".

s. 178,
amended

51. Section 178 of the said Act is amended by renumbering subsection 4 as 5 and by adding thereto the following subsection:

Exceptions

(4) Paragraphs 18 to 21 of subsection 3 do not apply to a corporation that is not offering its securities to the public.

s. 182,
amended

52. Section 182 of the said Act is amended by adding thereto the following subsection:

Right of
auditor to
be heard

(6) The auditor of a corporation shall be entitled to attend and be heard at meetings of the board of directors of the corporation on matters relating to his duties as auditor.

s. 183,
amended

53. Section 183 of the said Act is amended by inserting after "report" in the fifth line "unless the corporation is exempt under section 167".

s. 184 (3),
re-enacted

54. Subsection 3 of section 184 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 29, is repealed and the following substituted therefor:

Financial
statement,
on demand

(3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the financial statement and, unless the corporation is exempt under section 167, a copy of the auditor's report.

s. 198,
re-enacted

55. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 36, is repealed and the following substituted therefor:

Articles of
continuation

198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, deliver to the Minister articles of continuation in duplicate continuing it as if it had been incorporated under this Act.

SECTION 51. The amendment moves into the Act what is presently provided by regulation.

SECTION 52. Self-explanatory.

SECTIONS 53 and 54. The amendments are for clarification.

SECTION 55. The provision for articles of continuation is expanded for more particularity.

(2) The articles of continuation shall set out,

Contents
of articles

- (a) the name of the corporation to be continued;
- (b) the date on which the corporation was incorporated and the jurisdiction in which it was incorporated;
- (c) the objects for which the corporation is to be continued;
- (d) the place in Ontario where the head office of the corporation is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any;
- (e) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued;
- (f) where there are to be special shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them;
- (g) the restrictions, if any, to be placed on the transfer of its shares or any class thereof;
- (h) the number of directors of the corporation and the names in full and the residence address, giving the street and number, if any, of each person who is a director of the corporation;
- (i) that the continuation has been properly authorized under the laws of the jurisdiction in which the corporation was incorporated;
- (j) the date on which the continuation was authorized; and

(k) any other matter required by this Act or the regulations to be set out in the articles,

and the articles may set out any provision that is authorized by this Act to be set out in articles or that could be the subject of a by-law of the corporation and shall be executed under the seal of the corporation and signed by two officers, or by one officer and one director of the corporation and verified by affidavit of one of the officers or directors signing the articles of continuation and shall be accompanied by such other material as required by the Minister.

Amendments
to original
articles

- (3) The articles of continuation shall make any amendments to the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which the body corporate was incorporated and any amendments thereto necessary to make the articles conform to the laws of Ontario and may make such other amendments as are permitted under this Act as if the body corporate were incorporated under the laws of Ontario.

Certificate

- (4) If the articles of continuation conform to law the Minister may, in his discretion, when all prescribed fees have been paid,
- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
 - (b) file one of the duplicates in his office; and
 - (c) issue to the corporation or its agent a certificate of continuation to which he shall affix the other duplicate.

Conditions

- (5) The Minister may issue the certificate of continuation on such terms and subject to such limitations and conditions and containing such provisions as appear to the Minister to be fit and proper.

Effective
date

- (6) Upon the date set forth in a certificate of continuation issued under subsection 4, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act.

s. 199 (2),
re-enacted

56. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 37, is repealed and the following substituted therefor:

SECTION 56. The amendment relates the effective date of the emigration of a corporation to the date of its reception by the other jurisdiction.

SECTION 57.—Subsection 1. The amendment requires articles of dissolution to be filed within one year after the dissolution is authorized.

Subsection 2. Notice of dissolution is required to be circulated in the principal place of business and, if none, in the place of the head office.

SECTION 58. Provision is made for dissolving a corporation for failing to file financial statements and auditor's reports under *The Securities Act*.

SECTION 59. Self-explanatory.

- (2) This Act ceases to apply to the corporation on and after the date on which the corporation is continued under the laws of the other jurisdiction and the corporation shall file with the Minister a copy of the instrument of continuation certified by the proper officer of the other jurisdiction authorized to certify such documents. ^{Termination of jurisdiction}

57.—(1) Subsection 1 of section 248 of the said Act is amended by inserting after “Minister” in the third line “within one year after the authorization”. ^{s. 248 (1), amended}

(2) Clause *f* of subsection 1 of the said section 248 is amended by inserting after “place” in the third line “where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario”. ^{s. 248 (1) (f), amended}

58.—(1) Section 251 of the said Act is amended by adding thereto the following subsection: ^{s. 251, amended}

- (2a) Where the Minister is notified by the Commission that a corporation has not complied with the provisions of section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with the provisions of section 134 of *The Securities Act* within one year after the giving of the notice. ^{Notice of dissolution for default under R.S.O. 1970, c. 426}

(2) Subsection 3 of the said section 251 is amended by inserting after “2” in the second line “or 2a”. ^{s. 251 (3), amended}

59. Section 255 of the said Act is amended by adding thereto the following subsection: ^{s. 255, amended}

- (1a) Where notices or other documents required by this Act, the articles or by-laws to be given or sent by a corporation to a shareholder have been mailed to the shareholder at his latest address as shown on the records of the corporation and where, on three consecutive occasions, notices or other documents have been returned by the Post Office to the corporation, the corporation is not required to mail to the shareholder any further notices or other documents until such time as the corporation receives written notice from the shareholder requesting that notices and other documents be sent to the shareholder at a specified address. ^{Undelivered mail}

s. 272 (1),
amended

60. Subsection 1 of section 272 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 45, is amended by inserting at the commencement thereof "Until the 1st day of January, 1975" and by inserting after "force" in the fourth line "but which contravene this Act".

Commence-
ment

61.—(1) This Act, except subsection 2 of section 1, section 30, subsections 1 and 3 of section 33, and sections 34 and 35, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1, section 30, subsections 1 and 3 of section 33 and sections 34 and 35 come into force on the 1st day of October, 1973.

Short title

62. This Act may be cited as *The Business Corporations Amendment Act, 1972*.

SECTION 60. The amendment sets the 1st day of January, 1975 as the date after which letters patent issued before the Act must be made to conform with the Act.

An Act to amend
The Business Corporations Act

1st Reading

June 15th, 1972

2nd Reading

November 27th, 1972

3rd Reading

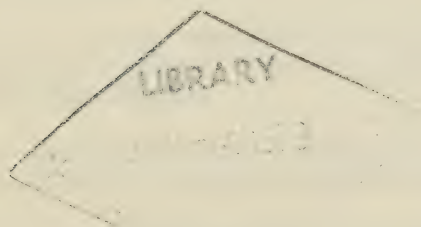
THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the Committee
of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Business Corporations Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

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1972

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 19 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970 is amended by adding at the end thereof “or any other individual who performs functions for the corporation similar to those normally performed by an individual occupying any such office”. ^{s. 1 (1), par. 19, amended}

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: ^{s. 1 (1), amended}

23a. “resident Canadian” means a Canadian citizen who is ordinarily resident in Canada.

(3) Subparagraph ii of paragraph 26 of subsection 1 of the said section 1 is amended by adding at the end thereof, “or their attorney authorized in writing”. ^{s. 1 (1), par. 26, subpar. ii, amended}

(4) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by adding at the end thereof “or their attorney authorized in writing”. ^{s. 1 (1), par. 27, subpar. ii, amended}

(5) Subsection 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 2, is repealed and the following substituted therefor: ^{s. 1 (9), re-enacted}

(9) For the purposes of this Act a body corporate is offering its securities to the public only where, ^{Offering securities to public}

(a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid circular has been filed under *The Securities Act* or any predecessor ^{R.S.O. 1970, c. 426}

1971, c. 27

thereof or in respect of which a prospectus has been filed under *The Corporations Information Act, 1971*, or any predecessor thereof, so long as any of such securities are outstanding or any securities into which such securities are converted are outstanding; or

- (b) any of its shares are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

except that where, upon the application of a body corporate that has fewer than fifteen security holders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the body corporate shall be deemed to have ceased to be offering its securities to the public.

s. 6,
re-enacted

2. Section 6 of the said Act is repealed and the following substituted therefor:

Number
as name

- 6.—(1) Upon the request of the incorporators or the corporation, the Minister may determine and assign a number in a proposed corporate name.

Idem

- (2) Where the Minister assigns a number under subsection 1, the name of the corporation shall consist of the number followed by the word "Ontario" and the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." as the last word thereof.

Amendment

- (3) Where, through inadvertence or otherwise, the Minister has assigned a number in the name of a corporation that is the same as the number in the name of any other body corporate, the Minister may issue a certificate of amendment to the articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

s. 8 (1),
amended

3. Subsection 1 of section 8 of the said Act is amended by inserting after "corporation" in the first line "except a corporation to which the Minister has assigned a number as part of the name of the corporation".

4. Section 10 of the said Act is amended by renumbering ^{s. 10, amended} subsections 1 and 2 as 2 and 3, respectively and by adding thereto the following subsection:

- (1) The name of a corporation shall have the word ^{Use of} "Limited", "Incorporated" or "Corporation" or its ^{"Limited",} corresponding abbreviation "Ltd.", "Inc." or "Corp." ^{"Incorporated", etc.} as the last word thereof.

5.—(1) Subsection 1 of section 11 of the said Act is ^{s. 11 (1), amended} amended by striking out "sixty" in the fourth line and inserting in lieu thereof "ninety".

(2) The said section 11 is further amended by adding ^{s. 11, amended} thereto the following subsection:

- (3) No person may reserve a corporate name to which section 6 applies.

6. Paragraph 17 of subsection 2 of section 15 of the said Act ^{s. 15 (2), par. 17, re-enacted} is repealed and the following substituted therefor:

17. where authorized to do so by a special resolution and by such additional authorization as the articles provide, to sell, lease, exchange or otherwise dispose of all or substantially all the property of the corporation for such consideration as the corporation thinks fit.

7. Subsection 2 of section 17 of the said Act is amended ^{s. 17 (2), amended} by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

- (*e*) if it is not offering its securities to the public, give directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, financial assistance to any of its shareholders or directors with a view to enabling them to purchase issued shares of the corporation.

8.—(1) Subsection 2 of section 26 of the said Act is amended ^{s. 26 (2), amended} by inserting at the commencement thereof "Except as provided in subsection 1 of section 37".

(2) Subsection 3 of the said section 26 is amended by ^{s. 26 (3), amended} inserting at the commencement thereof "Except as provided in subsection 1 of section 37".

s. 27 (1) (f),
re-enacted

9. Clause *f* of subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

- (f) the right of the corporation at its option to redeem all or part of the shares of the class or the right of a shareholder at his option to require the redemption of all or part of his shares of the class.

s. 34 (1),
amended

10. Subsection 1 of section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 6, is amended by inserting after "redeemable" in the second line "at the option of the corporation".

s. 37 (1),
re-enacted

11. Subsection 1 of section 37 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 8, is repealed and the following substituted therefor:

Mutual
fund shares

- (1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of special shares that are mutual fund shares and fractions or parts thereof that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof, and where a corporation to which this section applies has one or more classes of mutual fund shares of which one class has attached thereto no conditions, restrictions, limitations or prohibitions on the right to vote, the corporation is not required to have any other class of shares.

s. 38 (3),
repealed

12. Subsection 3 of section 38 of the said Act is repealed.

s. 39,
re-enacted

13. Section 39 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 9, is repealed and the following substituted therefor:

Purchase of
common
shares

- 39.—(1) A corporation may purchase any of its issued shares if the purchase is made for the purpose of eliminating fractions of shares or for the purpose of collecting or compromising indebtedness to the corporation.

Idem

- (2) Where authorized in its articles and subject to any restrictions contained therein, a corporation may purchase any of its issued common shares.

- (3) A corporation shall not purchase shares under this ^{Idem} section if the corporation is insolvent or if the purchase would render the corporation insolvent.
- (4) No purchase of shares shall be made under this ^{Idem} section by a corporation unless the purchase is authorized by a resolution of the board of directors.
- (5) Where a corporation purchases shares under sub-^{Method of purchase} section 2, the purchase shall be made at the lowest price at which, in the opinion of the directors, such shares are obtainable, and,
 - (a) pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class and the corporation shall accept only the lowest tenders; or
 - (b) from *bona fide* full-time employees and former employees of the corporation; or
 - (c) where the shares to be purchased are of a body corporate that is offering its shares to the public, by purchase on the open market.
- (6) Where, in response to the invitation for tenders, two ^{Idem} or more shareholders submit tenders at the same price and the tenders are accepted by the corporation as to part only of the shares offered, the corporation shall accept part of the shares offered in each tender in proportion as nearly as may be to the total number of shares offered in each tender.

14. Sections 40, 41 and 42 of the said Act are repealed and ^{ss. 40, 41, 42, re-enacted} the following substituted therefor:

- 40.—(1) Shares or fractions thereof purchased under sub-^{Cancellation on purchase} section 1 of section 39 are thereby cancelled and the authorized and issued capital are thereby decreased and the articles are amended accordingly.
- (2) Where its issued common shares are purchased by a ^{Cancellation or resale} corporation under subsection 2 of section 39, where mutual fund shares are accepted for surrender by a corporation under section 37, where a corporation accepts the donation of any of its shares under section 43, or where a corporation purchases the shares of a dissenting shareholder under section 100,
 - (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the corporation are thereby

decreased, and the articles are amended accordingly;

(b) if the articles do not require the shares to be cancelled,

(i) the board of directors may cancel the shares at such time as it determines, in which case the authorized and issued capital of the corporation are thereby decreased and the articles are amended accordingly; or

(ii) the board of directors may resell the shares at such time and price and on such terms as it determines.

Corporation
insider re
purchase and
resale of
own shares

41. Where a corporation purchases its issued common shares under subsection 2 of section 39, accepts a donation of any of its shares under section 43, purchases any of its shares under section 100, or resells them, the corporation shall be deemed to be an insider in respect of the purchase or resale, and sections 148 to 152 apply to the purchase or resale.

Performance
of agreement
to purchase
shares

42. An agreement for the purchase by a corporation of its shares under section 39 is not invalid or unenforceable because of the possibility that the corporation may not be able to comply with section 39, but such agreement is,

(a) subject to subsection 2 of section 135, valid if performed; and

(b) if not performed, valid and enforceable to the extent the corporation is able to purchase its shares at the time for performance.

s. 43 (2),
repealed

15. Subsection 2 of section 43 of the said Act is repealed.

s. 57,
re-enacted

16. Section 57 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 15, is repealed and the following substituted therefor:

Interpre-
tation

57.—(1) In this section and in sections 58 to 62,

(a) “trust indenture” means any deed, indenture or document howsoever designated, including any supplement or amendment thereto, by the terms of which a body corporate issues

or guarantees debt obligations and in which a trustee is appointed as trustee for the holders of the debt obligations issued or guaranteed thereunder;

- (b) "trustee" means any person appointed as trustee under the terms of a trust indenture, whether or not the person is a trust company authorized to carry on business in Ontario;
- (c) "event of default" means any event specified in a trust indenture on the occurrence of which,
 - (i) the security interest, if any, constituted by the trust indenture shall become enforceable, or
 - (ii) the principal, interest and other moneys payable thereunder shall become or may be declared to be payable prior to maturity,

provided that any such event shall not be an event of default unless all conditions prescribed by the trust indenture in connection with such event for the giving of notice or the lapse of time or otherwise has been satisfied.

- (2) Sections 57 to 62 apply to a trust indenture, whether entered into before or after the date on which this Act comes into force, if, in respect of any of the debt obligations outstanding or guaranteed thereunder or to be issued or guaranteed thereunder, a prospectus or securities exchange take-over bid circular has been filed under *The Securities Act* or any predecessor thereof or in respect of which a prospectus has been filed under *The Corporations Information Act*, or any predecessor thereof. Application of ss. 57 to 62
R.S.O. 1970, cc. 426, 72
- (3) The person appointed as trustee under a trust indenture, or at least one of such persons if more than one is so appointed, shall be resident or authorized to do business in Ontario. Resident trustee

17. Sections 58, 59, 60, 61 and 62 of the said Act are repealed and the following substituted therefor: ss. 58-62, re-enacted

- 58.—(1) In the exercise of the rights and duties prescribed or conferred by the terms of a trust indenture, a trustee shall exercise that degree of care, diligence and skill that a reasonably prudent trustee would exercise in comparable circumstances. Duty of trustees

Exculpatory
clauses

- (2) The provisions of this section apply notwithstanding any provision in a trust indenture, including any provision relieving or purporting to relieve a trustee from liability for his own negligent action or failure to act or his own wilful misconduct.

Conflict of
interest

59. A person shall not be appointed a trustee under a trust indenture if a material conflict of interest exists in the trustee's role as a fiduciary thereunder at the time of such appointment, but if, notwithstanding the provisions of this section, such a material conflict of interest exists, the validity and enforceability of the the said trust indenture, the security interest created thereby and thereunder and the securities issued thereunder shall not be affected in any manner whatsoever by reason only that such material conflict of interest exists but such trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office, and where a material conflict of interest arises subsequently to the appointment of the trustee under a trust indenture, the trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office.

Evidence of
compliance

- 60.—(1) The issuer or guarantor of debt obligations issued or to be issued under a trust indenture shall furnish to the trustee evidence of compliance with the conditions precedent provided for in the trust indenture relating to,
- (a) the certification and delivery of debt obligations under the trust indenture;
 - (b) the release or release and substitution of property subject to any mortgage, charge, lien or other encumbrance created by the trust indenture;
 - (c) the satisfaction and discharge of the trust indenture; or
 - (d) the taking of any other action to be taken by the trustee at the request of or on the application of the issuer or guarantor.

Idem

- (2) The evidence of compliance required under subsection 1 shall consist of,
- (a) a statutory declaration or a certificate made by any officer of the issuer or guarantor

stating that such conditions precedent have been complied with in accordance with the terms of the trust indenture;

- (b) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by a solicitor, an opinion of a solicitor that such conditions precedent have been complied with in accordance with the terms of the trust indenture; and
- (c) in the case of conditions precedent compliance with which are, by the trust indenture, made subject to review or examination by auditors or accountants, an opinion or report of the auditor of the issuer or guarantor or any accountant licensed under *The Public Accountancy Act* or comparable legislation of the jurisdiction in which such accountant practises, in each case approved by the trustee, that such conditions precedent have been complied with in accordance with the terms of the trust indenture.

R.S.O. 1970,
c. 373

(3) The evidence of compliance required under subsection ^{Idem} 1 shall include,

- (a) a statement by the person giving the evidence that he has read and is familiar with those provisions of the trust indenture relating to the conditions precedent with respect to compliance with which such evidence is being given;
- (b) a brief statement of the nature and scope of the examination or investigation upon which the statements or opinions contained in such evidence are based;
- (c) a statement that, in the belief of the person giving such evidence, he has made such examination or investigation as is necessary to enable him to make the statements or give the opinions contained or expressed therein; and
- (d) a statement whether in the opinion of such person the conditions precedent with respect to compliance with which such evidence is being given have been complied with or satisfied.

Certificate of
issuer or
guarantor

- (4) The issuer or guarantor of debt obligations under the trust indenture shall furnish the trustee annually, and at any other reasonable time if the trustee so requires, its certificate that the issuer or guarantor has complied with all covenants, conditions or other requirements contained in the trust indenture, the non-compliance with which would, with the giving of notice or the lapse of time, or both, or otherwise, constitute an event of default thereunder, or if such is not the case, specifying the covenant, condition or other requirement which has not been complied with and giving particulars of such non-compliance.

Evidence of
compliance

- (5) The issuer or guarantor of debt obligations under the trust indenture shall, whenever the trustee so requires, furnish the trustee with evidence by way of statutory declaration, opinion, report or certificate as specified by the trustee as to any action or step required or permitted to be taken by the issuer or guarantor under the trust indenture or as a result of any obligation imposed by the trust indenture.

Reliance on
opinions

- (6) In the exercise of his rights and duties, the trustee may, if he is acting in good faith, rely, as to the truth of the statements and the accuracy of the opinions expressed therein, upon a statutory declaration, opinion, report or certificate furnished to the trustee under this section or a provision of the trust indenture or at the request of the trustee where,

(a) in the case of a statutory declaration, opinion, report or certificate furnished under this section, the trustee examines the same and determines that it complies with the applicable requirements, if any, of this section; or

(b) in the case of a statutory declaration, opinion, report or certificate furnished pursuant to a provision of the trust indenture or at the request of the trustee, the trustee examines the same and determines that it complies with the applicable requirements, if any, of the trust indenture.

Trustee
not to be
receiver

61. A trustee under a trust indenture and any related person to such trustee shall not be appointed a receiver or receiver and manager or liquidator of the assets or undertaking of the issuer or guarantor of the debt obligations under the trust indenture.

62. The trustee shall be required to give to the holders of debt obligations issued under the trust indenture, within a reasonable time but not exceeding thirty days after the trustee becomes aware of the occurrence thereof, notice of every event of default arising under the trust indenture and continuing at the time the notice is given, unless the trustee in good faith determines that the withholding of such notice is in the best interests of the holders of the debt obligations and so advises the issuer in writing.

18. Clause *i* of subsection 1 of section 63 of the said Act is repealed and the following substituted therefor: s. 63 (1) (i), re-enacted

- (i) "security" means a document that evidences a security or that is a warrant.

19. Clause *b* of subsection 2 of section 68 of the said Act is repealed and the following substituted therefor: s. 68 (2) (b), re-enacted

- (b) of any security not accepted by the buyer if its resale would be unduly burdensome or there is no readily available market.

20. Section 93 of the said Act is amended by adding thereto the following subsection: s. 93, amended

- (5) If an issuer demands assurance additional to that specified in this section for a purpose other than the purposes of subsection 3 and obtains a copy of a will, trust or partnership agreement, by-law or similar document, the issuer shall be deemed to have notice of all matters contained therein affecting the transfer. Notice of additional assurances

21. Section 94 of the said Act is amended by adding thereto the following subsection: s. 94, amended

- (4) A written notice of adverse claim received by an issuer is effective for only twelve months from the date when it was received unless the notice is renewed in writing. Limitation for notices

22. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor: s. 97 (1), re-enacted

- (1) An authenticating trustee, transfer agent, registrar, or other agent for an issuer has in respect of the issue, registration of transfer, and cancellation of a security of the issuer, Duty of agents for issuer

- (a) a duty to the issuer and to the holder or owner to exercise good faith and due diligence; and
- (b) the same obligations to the holder or owner of a security and the same rights, privileges and immunities as the issuer.

s. 98,
re-enacted

23. Section 98 of the said Act is repealed and the following substituted therefor:

Dealing by
corporation
with personal
representa-
tives

98.—(1) Where a person is shown on the records of a corporation as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the corporation for any payment or other distribution made in respect of the share whether notice of any trust has been given to the corporation or not, and the corporation is not bound to see to the application of such payment or other distribution.

Corporation
not a share-
holder of
own shares

(2) Where its own shares are purchased by a corporation under subsection 2 of section 39 or subsection 2 of section 100 or accepted by a corporation under section 37 or 43 and are not thereby cancelled, no person is entitled to receive notice of or to vote at meetings of shareholders or to receive any payment or other distribution made in respect of the shares until such shares are resold.

s. 100 (1) (a),
re-enacted

24.—(1) Clause *a* of subsection 1 of section 100 of the said Act is repealed and the following substituted therefor:

(a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of all or substantially all the property of the corporation is confirmed with or without variation by the shareholders.

s. 100 (1),
amended

(2) Subsection 1 of the said section 100 is amended by striking out “or” at the end of clause *b*, by inserting “or” at the end of clause *c* and by adding thereto the following clause:

(d) a resolution passed by the directors under section 199 is confirmed by the shareholders,

s. 100 (2),
re-enacted

(3) Subsection 2 of the said section 100 is repealed and the following substituted therefor:

(2) Within ninety days from,

On amalgamation or change of jurisdiction

- (a) the date of the completion of the sale, lease, exchange or other disposition;
- (b) the date set forth in the certificate of amendment or amalgamation; or
- (c) the date of delivery to the Minister of a request in writing for his authorization under section 199,

the corporation, or amalgamated corporation, shall purchase the shares of every shareholder who has given notice under subsection 1, and every such shareholder shall sell his shares to the corporation.

(4) Subsections 5 and 6 of the said section 100 are repealed and the following substituted therefor:

s. 100 (5),
re-enacted,
s. 100 (6),
repealed

- (5) If the sale, lease, exchange or other disposition is not completed, the certificate of amendment or amalgamation is not issued, or the authorization of the Minister is not given, the rights of the dissenting shareholder under this section cease and the corporation shall not purchase the shares of such shareholder under this section.

Sale of
shares

25.—(1) Clause *b* of subsection 4 of section 101 of the said Act is repealed and the following substituted therefor:

s. 101 (4) (b),
re-enacted

- (b) if the by-law or resolution requires confirmation at a general meeting of the shareholders before it is effective, call a general meeting of the shareholders for the purpose of confirming the by-law or resolution,

.

(2) Subsection 8 of the said section 101 is repealed and the following substituted therefor:

s. 101 (8),
re-enacted

- (8) Where a by-law or resolution in respect of which a meeting of directors is requisitioned under this section is not passed or confirmed at a meeting of the shareholders, no requisition for a meeting of directors in respect of a similar by-law or resolution shall be made for a period of at least two years.

New
requisition
on same
subject

26. Clause *a* of subsection 1 of section 106 of the said Act is repealed and the following substituted therefor:

s. 106 (1) (a),
re-enacted

- (a) notice of the time and place for holding a meeting of the shareholders shall be given to each person who is

entitled to notice of meetings and who on the record date for notice appears on the records of the corporation as a shareholder and to each director by sending the notice by prepaid mail to his latest address as shown on the records of the corporation.

s. 112 (1),
re-enacted

27. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Record
dates

(1) The by-laws may fix in advance or may authorize the directors to fix in advance a time and date as the record date,

(a) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than 50 days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and

(b) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall not be more than two days, excluding Saturdays and holidays, before the date of the meeting and where no such record date for voting is fixed, the record date for voting shall be the time of the taking of the vote; and

(c) for the determination of the shareholders entitled to receive the financial statement of the corporation pursuant to subsection 1 of section 184, which record date for the financial statement shall be not more than 50 days and not fewer than 21 days before the date of the annual meeting of the shareholders and where no such record date is fixed, the record date shall be at the close of business on the day next preceding the day on which the financial statement is given or sent.

s. 117,
amended

28. Section 117 of the said Act is amended by striking out "or prior to" in the second line.

s. 120 (b),
amended

29. Clause *b* of section 120 of the said Act is amended by striking out "other than the election of directors and the

appointment of auditors" in the seventh, eighth and ninth lines and inserting in lieu thereof "other than the appointment of auditors and the fixing of their remuneration and the election of directors".

30. Section 122 of the said Act is amended by adding ^{s. 122,} thereto the following subsection: ^{amended}

- (3) A majority of directors on the board of directors ^{Directors to} of every corporation shall be resident Canadians. ^{be resident} ^{Canadians}

31. Section 126 of the said Act is amended by adding ^{s. 126,} thereto the following subsection: ^{amended}

- (5) It shall not be necessary for all directors to hold ^{Staggered} office for the same term. ^{terms}

32. Subsections 1 and 2 of section 128 of the said Act are ^{s. 128 (1, 2),} repealed and the following substituted therefor: ^{re-enacted}

- (1) Subject to subsections 2, 2a and 3 where a vacancy ^{Vacancies} occurs in the board, and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2) Where the number of directors is increased, the ^{Increase} vacancies resulting from such increase shall only be filled by election at a general meeting of the shareholders duly called for that purpose.
- (2a) Where part of the board of directors has been elected ^{Where elected} by the holders of the shares of a class of special ^{by class of} shares as provided in clause *d* of subsection 1 of section 27, and a vacancy occurs in that part of the board, the remaining directors or director, if any, in that part of the board may appoint a qualified person to fill the vacancy for the remainder of the term, and, if there is no such remaining director, the holders of that class of shares at a meeting thereof that may be called by any holder of shares of that class may elect a qualified person to fill the vacancy for the remainder of the term but the articles may provide that such vacancy may only be filled by election at a general meeting of the holders of that class of shares duly called for that purpose. ^{shareholders}

s. 130 (2),
re-enacted

33.—(1) Subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

Exception

- (2) Where the by-laws of the corporation so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but in any financial year of the corporation a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

s. 130,
amended

(2) The said section 130 is amended by adding thereto the following subsection:

Meetings by
telephone

- (3) Subject to the by-laws of the corporation, where all the directors have consented thereto, any director may participate in a meeting of the board of directors or of the executive committee by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a director participating in a meeting pursuant to this subsection shall be deemed for the purposes of this Act to be present in person at that meeting.

s. 130,
amended

(3) The said section 130 is further amended by adding thereto the following subsection:

Place of
meeting by
telephone

- (4) If a majority of the directors participating in a meeting held pursuant to subsection 3 are then in Canada, the meeting shall be deemed to have been held in Canada.

s. 132 (2),
re-enacted

34. Subsection 2 of section 132 of the said Act is repealed and the following substituted therefor:

Conduct of
business

- (2) Subject to section 133 and subsection 1 of section 23, no business of a corporation shall be transacted by its board of directors except at a meeting of directors at which a quorum of the board is present and at which a majority of the directors present are resident Canadians.

s. 133 (1),
re-enacted

35.—(1) Subsection 1 of section 133 of the said Act is repealed and the following substituted therefor:

- (1) Where the number of directors of a corporation is more than six, and if authorized by a special by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom a majority shall be resident Canadians and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors. ^{Executive committee}

(2) The said section 133 is amended by adding thereto the following subsection: ^{s. 133, amended}

- (3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and at which a majority of the members present are resident Canadians. ^{Conduct of business}

36.—(1) Subsections 1 and 3 of section 134 of the said Act are repealed and the following substituted therefor: ^{s. 134 (1, 3), re-enacted}

- (1) Every director of a corporation who has, directly or indirectly, any interest in any contract or transaction to which the corporation or a subsidiary thereof is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the corporation or a subsidiary thereof, the cost of the property to the purchaser and the cost thereof to the seller, if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum. ^{Disclosure by director of interest in contracts}
- (3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested ^{When declaration of interest to be made}

in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the corporation's business, would not require approval by the directors or shareholders, at the first meeting of the directors held after the director becomes aware of it.

s. 134,
amended

(2) The said section 134, as amended by the Statutes of Ontario, 1971, chapter 26, section 20, is further amended by adding thereto the following subsection:

General
notice of
interest

(6) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of or has a material interest in a person that is a party to a contract or proposed contract with the corporation is a sufficient declaration of interest in relation to any contract so made.

s. 140,
amended

37.—(1) Section 140 of the said Act is amended by inserting at the commencement thereof "Subject to subsection 2".

s. 140,
amended

(2) The said section 140 is further amended by adding thereto the following subsection:

Idem

(2) Where a class of shares carries the exclusive right to elect a part of the board of directors, no director so elected may be removed from office before the expiration of his term except by resolution passed by a majority of votes cast at a meeting of holders of shares of the class duly called for that purpose.

s. 141 (1),
re-enacted

38. Subsection 1 of section 141 of the said Act is repealed and the following substituted therefor:

Officers

(1) A corporation shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors and the same person may hold two or more offices.

s. 146,
re-enacted

39. Section 146 of the said Act is repealed and the following substituted therefor:

146. Those directors and officers of a corporation who ^{Liability of directors and officers} authorize or consent to a loan in contravention of clause *a* of subsection 1 of section 17 or the giving, directly or indirectly by means of a loan, guarantee, the provision of security or otherwise, any financial assistance in contravention of clause *b* of subsection 1 of section 17 are jointly and severally liable to the corporation and to its creditors for any actual loss to the corporation arising out of the contravention, together with interest at the rate of 6 per cent a year.

40.—(1) Paragraph 3 of section 157 of the said Act is ^{s. 157, par. 3, amended} amended by adding thereto the following subparagraph:

- iii. all persons who are or have been within six years after the date of expiry of a warrant registered as holders of warrants of the corporation and the address including the street and number, if any, of every such person while a holder, setting out the class or series and number of warrants held by such holder.

(2) Paragraph 4 of the said section 157 is amended by in- ^{s. 157, par. 4, amended}serting after “addresses” in the second line “while directors”.

41. Section 159 of the said Act is repealed and the following ^{s. 159, re-enacted} substituted therefor:

159. A corporation may appoint a registrar to keep the ^{Transfer agents} register of security holders and a transfer agent to keep the register of transfers and may also appoint one or more branch registrars to keep branch registers of security holders and one or more branch transfer agents to keep branch registers of transfers but one person may be appointed both registrar and transfer agent.

42.—(1) Subsection 1 of section 160 of the said Act is ^{s. 160 (1), amended} amended by inserting after “office” in the third line “or offices” and by inserting after “place” in the third line “or places”.

(2) The said section 160 is amended by adding thereto the ^{s. 160, amended} following subsection:

- (5) A corporation, registrar or transfer agent is not ^{Destruction of spent documents} liable to produce a security certificate, a warrant or any document that is evidence of the issue or transfer of the security certificate or warrant after six years,
- (a) in the case of a share certificate from the date of its cancellation;

- (b) in the case of a warrant from the date of its expiry; or
- (c) in the case of a certificate representing a debt obligation, from the date of retirement of the whole debt obligation of which that certificate represents a part.

s. 162 (1),
amended

43. Subsection 1 of section 162 of the said Act is amended by striking out "of executive committees" in the fourth line and inserting in lieu thereof "any executive committee".

s. 163 (1, 2),
re-enacted

44. Subsections 1 and 2 of section 163 of the said Act are repealed and the following substituted therefor:

List of
security
holders

- (1) A shareholder or creditor or the agent or personal representative of any of them shall not make or cause to be made a list of all or any of the security holders or registered warrant holders of the corporation unless he has filed with the corporation or its agent his affidavit in the following form, and, where the shareholder or creditor is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate:

Form of Affidavit

Province of Ontario
County of

In the matter of
(Insert name of corporation)

I,....., of the of
in the of
make oath and say:

- 1. I am a shareholder (or creditor) of the above-named corporation.

(Where the shareholder or creditor is a body corporate, indicate office and authority of deponent in paragraph 1.)

- 2. I am applying to make a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

- 3. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

- 4. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of
list

- (2) No person, other than the corporation or its agent, shall use a list obtained under this section,

(a) for the purpose of delivering or sending to all or any of the security holders or registered warrant holders advertising or other printed matter relating to securities, other than the securities of the corporation ;
or

(b) for any purposes not connected with the corporation.

45. Subsections 1, 2, 4 and 6 of section 164 of the said Act ^{s. 164 (1, 2, 4, 6), re-enacted} are repealed and the following substituted therefor :

(1) Any person, upon payment of a reasonable charge ^{Where list of shareholders to be furnished} therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, other than a corporation that is not offering its securities to the public, or its transfer agent to furnish within ten days from the filing of the affidavit a basic list of security holders or registered warrant holders of the corporation setting out the information required in section 157 to be set out in the register of security holders or warrant holders made up to a date not more than ten days before the date of filing the affidavit and having required such basic list, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent a written demand, may require the corporation or its transfer agent to furnish supplementary lists of transfers of securities or registered warrants for each business day following the date to which the basic list is made up, and the supplementary lists shall be furnished concurrently with the basic list and thereafter on the next business day following the day to which the supplementary list relates.

(2) The affidavit referred to in subsection 1 shall be made ^{Form of affidavit} by the applicant and shall be in the following form :

Form of Affidavit

Province of Ontario
County of York

In the matter of
(Insert name of corporation)

I, of the of

in the of

make oath and say :

(Where the applicant is a body corporate, indicate office and authority of deponent).

1. I require a list of the shareholders (debt obligation holders) (registered warrant holders) of the above-named corporation.

2. I require the above-mentioned list(s) only for purposes connected with the above-named corporation.

3. The above-mentioned list(s) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of list

(4) No person shall use a list obtained under this section,

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities or warrants other than the securities or warrants of the corporation; or

(b) for any purpose not connected with the corporation.

Purpose connected with corporation defined

(6) Purposes connected with the corporation include any effort to influence the voting of security holders at any meeting thereof, any offer to acquire shares of the corporation or any effort to effect an amalgamation or reorganization.

s. 165, amended

46. Section 165 of the said Act is amended by inserting after "security holders" in the third line "or registered warrant holders".

s. 168 (6), re-enacted

47. Subsection 6 of section 168 of the said Act is repealed and the following substituted therefor:

Right of auditor to make representations

(6) An auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,

and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

48. Subsection 4 of section 171 of the said Act, as re-enacted ^{s. 171 (4),} by the Statutes of Ontario, 1971, chapter 26, section 25, is ^{re-enacted} repealed and the following substituted therefor:

- (4) Where facts come to the attention of the officers ^{Facts} or directors, ^{discovered}
^{after}
^{statement}
- (a) which could reasonably have been determined prior to the date of the last annual meeting of the shareholders; and
- (b) which if known prior to the date of the last annual meeting of shareholders, would have required a material adjustment to the financial statement presented to the meeting,

the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

49. Subsection 3 of section 172 of the said Act is repealed ^{s. 172 (3),} and the following substituted therefor: ^{re-enacted}

- (3) The reference in clause *a* of subsection 1 to an ^{Idem} annual meeting of a corporation includes the completion of the action otherwise required to be taken at an annual meeting in accordance with section 23 and subsection 2 of section 107.
- (4) Subject to subsection 2 of section 107, the report of the ^{Auditor's} auditor to the shareholders shall be read at the annual ^{report to} meeting and shall be open to inspection at the meeting ^{be read} by any shareholder.

50.—(1) Clause *k* of subsection 1 of section 173 of the said ^{s. 173 (1) (k),} Act, as enacted by the Statutes of Ontario 1971, chapter 26, ^{amended} section 26, is amended by inserting at the commencement thereof “in the case of a corporation that is offering its securities to the public”.

(2) Clause *l* of subsection 1 of the said section 173, as ^{s. 173 (1) (l),} enacted by the Statutes of Ontario, 1971, chapter 26, section ^{amended} 26, is amended by inserting at the commencement thereof “in the case of a corporation that is offering its securities to the public”.

s. 173 (2),
amended

(3) Subsection 2 of the said section 173 is amended by striking out "g and h" in the second line and inserting in lieu thereof "g, h, k and l".

s. 178,
amended

51. Section 178 of the said Act is amended by renumbering subsection 4 as 5 and by adding thereto the following subsection:

Exceptions

(4) Paragraphs 18 to 21 of subsection 3 do not apply to a corporation that is not offering its securities to the public.

s. 182,
amended

52. Section 182 of the said Act is amended by adding thereto the following subsection:

Right of
auditor to
be heard

(6) The auditor of a corporation shall be entitled to attend and be heard at meetings of the board of directors of the corporation on matters relating to his duties as auditor.

s. 183,
amended

53. Section 183 of the said Act is amended by inserting after "report" in the fifth line "unless the corporation is exempt under section 167".

s. 184 (3),
re-enacted

54. Subsection 3 of section 184 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 29, is repealed and the following substituted therefor:

Financial
statement,
on demand

(3) A shareholder of a corporation that is not offering its securities to the public is entitled to be furnished by the corporation on demand with a copy of the financial statement and, unless the corporation is exempt under section 167, a copy of the auditor's report.

s. 198,
re-enacted

55. Section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 36, is repealed and the following substituted therefor:

Articles of
continuation

198.—(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, deliver to the Minister articles of continuation in duplicate continuing it as if it had been incorporated under this Act.

(2) The articles of continuation shall set out,

Contents
of articles

- (a) the name of the corporation to be continued;
- (b) the date on which the corporation was incorporated and the jurisdiction in which it was incorporated;
- (c) the objects for which the corporation is to be continued;
- (d) the place in Ontario where the head office of the corporation is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any;
- (e) the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued;
- (f) where there are to be special shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them;
- (g) the restrictions, if any, to be placed on the transfer of its shares or any class thereof;
- (h) the number of directors of the corporation and the names in full and the residence address, giving the street and number, if any, of each person who is a director of the corporation;
- (i) that the continuation has been properly authorized under the laws of the jurisdiction in which the corporation was incorporated;
- (j) the date on which the continuation was authorized; and

- (k) any other matter required by this Act or the regulations to be set out in the articles,

and the articles may set out any provision that is authorized by this Act to be set out in articles or that could be the subject of a by-law of the corporation and shall be executed under the seal of the corporation and signed by two officers, or by one officer and one director of the corporation and verified by affidavit of one of the officers or directors signing the articles of continuation and shall be accompanied by such other material as required by the Minister.

Amendments
to original
articles

- (3) The articles of continuation shall make any amendments to the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which the body corporate was incorporated and any amendments thereto necessary to make the articles conform to the laws of Ontario and may make such other amendments as are permitted under this Act as if the body corporate were incorporated under the laws of Ontario.

Certificate

- (4) If the articles of continuation conform to law the Minister may, in his discretion, when all prescribed fees have been paid,
- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
 - (b) file one of the duplicates in his office; and
 - (c) issue to the corporation or its agent a certificate of continuation to which he shall affix the other duplicate.

Conditions

- (5) The Minister may issue the certificate of continuation on such terms and subject to such limitations and conditions and containing such provisions as appear to the Minister to be fit and proper.

Effective
date

- (6) Upon the date set forth in a certificate of continuation issued under subsection 4, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act.

s. 199 (2),
re-enacted

56. Subsection 2 of section 199 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 37, is repealed and the following substituted therefor:

- (2) This Act ceases to apply to the corporation on and after the date on which the corporation is continued under the laws of the other jurisdiction and the corporation shall file with the Minister a copy of the instrument of continuation certified by the proper officer of the other jurisdiction authorized to certify such documents. Termination
of
jurisdiction

57.—(1) Subsection 1 of section 248 of the said Act is amended by inserting after “Minister” in the third line “within one year after the authorization”. s. 248 (1),
amended

(2) Clause *f* of subsection 1 of the said section 248 is amended by inserting after “place” in the third line “where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario”. s. 248 (1) (f),
amended

58.—(1) Section 251 of the said Act is amended by adding thereto the following subsection: s. 251,
amended

- (2a) Where the Minister is notified by the Commission that a corporation has not complied with the provisions of section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with the provisions of section 134 of *The Securities Act* within one year after the giving of the notice. Notice of
dissolution
for default
under
R.S.O. 1970,
c. 426

(2) Subsection 3 of the said section 251 is amended by inserting after “2” in the second line “or 2a”. s. 251 (3),
amended

59. Section 255 of the said Act is amended by adding thereto the following subsection: s. 255,
amended

- (1a) Where notices or other documents required by this Act, the articles or by-laws to be given or sent by a corporation to a shareholder have been mailed to the shareholder at his latest address as shown on the records of the corporation and where, on three consecutive occasions, notices or other documents have been returned by the Post Office to the corporation, the corporation is not required to mail to the shareholder any further notices or other documents until such time as the corporation receives written notice from the shareholder requesting that notices and other documents be sent to the shareholder at a specified address. Undelivered
mail

s. 272 (1),
amended

60. Subsection 1 of section 272 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 45, is amended by inserting at the commencement thereof "Until the 1st day of January, 1975" and by inserting after "force" in the fourth line "but which contravene this Act".

Commence-
ment

61.—(1) This Act, except subsection 2 of section 1, section 30, subsections 1 and 3 of section 33, and sections 34 and 35, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1, section 30, subsections 1 and 3 of section 33 and sections 34 and 35 come into force on the 1st day of October, 1973.

Short title

62. This Act may be cited as *The Business Corporations Amendment Act, 1972*.

An Act to amend
The Business Corporations Act

1st Reading

June 15th, 1972

2nd Reading

November 27th, 1972

3rd Reading

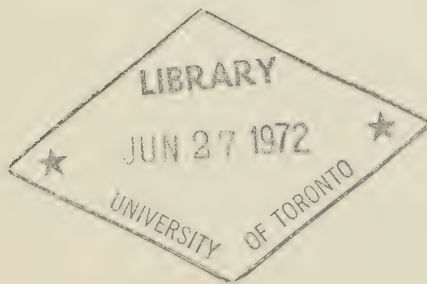
December 8th, 1972

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Corporations Information Act, 1971**

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires information as to the citizenship of directors and officers, complementary to a Bill to amend *The Business Corporations Act* requiring a majority of directors to be Canadian residents.

BILL 181

1972

**An Act to amend
The Corporations Information Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 3 of *The Cor-* <sup>s. 3 (1) (f),
amended</sup>
porations Information Act, 1971, being chapter 27 of the Statutes of Ontario, 1971, is amended by inserting after “names” in the first line “citizenship”.

(2) Clause *g* of subsection 1 of the said section 3 is amended <sup>s. 3 (1) (g),
amended</sup>
by inserting after “names” in the first line “citizenship”.

2. This Act comes into force on a day to be named by <sup>Commence-
ment</sup>
the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Corporations Information* ^{Short title}
Amendment Act, 1972.

An Act to amend
The Corporations Information
Act, 1971

1st Reading

June 15th, 1972

2nd Reading

3rd Reading

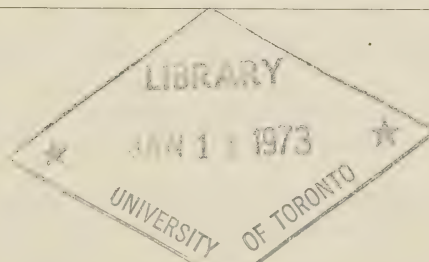
THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Corporations Information Act, 1971**

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires information as to the citizenship of directors and officers, complementary to a Bill to amend *The Business Corporations Act* requiring a majority of directors to be Canadian residents.

BILL 181

1972

**An Act to amend
The Corporations Information Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 3 of *The Corporations Information Act, 1971*, being chapter 27 of the Statutes of Ontario, 1971, is repealed and the following substituted therefor: ^{s. 3 (1) (f), re-enacted}

(f) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not,

(i) each director is a resident Canadian, and


(ii) each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act, 1972* ^{1972, c. 143} and, if so, the name of such related corporation and the jurisdiction of its incorporation.

(2) Clause *g* of subsection 1 of the said section 3 is amended ^{s. 3 (1) (g), amended} by adding at the end thereof “and whether or not each officer is a resident Canadian”.

(3) The said section 3 is amended by adding thereto the ^{s. 3, amended} following subsection:

(1a) For the purposes of subsection 1, “resident Canadian” ^{Resident Canadian defined} means a Canadian citizen who is ordinarily resident in Canada.

2. Section 13 of the said Act is amended by adding there- ^{s. 13, amended} to the following clause:

(aa) requiring disclosure in or with the return mentioned in subsection 1 of section 3 of the citizenship of officers and directors. 

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Corporations Information Amendment Act, 1972*.

An Act to amend
The Corporations Information
Act, 1971

1st Reading

June 15th, 1972

2nd Reading

December 8th, 1972

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the Committee
of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Corporations Information Act, 1971**

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 181

1972

**An Act to amend
The Corporations Information Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 3 of *The Corporations Information Act, 1971*, being chapter 27 of the Statutes of Ontario, 1971, is repealed and the following substituted therefor:

(*f*) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not,

(i) each director is a resident Canadian, and

(ii) each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act, 1972*^{s. 3 (1) (*f*), re-enacted}^{1972, c. 143} and, if so, the name of such related corporation and the jurisdiction of its incorporation.

(2) Clause *g* of subsection 1 of the said section 3 is amended^{s. 3 (1) (*g*), amended} by adding at the end thereof “and whether or not each officer is a resident Canadian”.

(3) The said section 3 is amended by adding thereto the^{s. 3, amended} following subsection:

(1*a*) For the purposes of subsection 1, “resident Canadian”^{Resident Canadian defined} means a Canadian citizen who is ordinarily resident in Canada.

2. Section 13 of the said Act is amended by adding there-^{s. 13, amended} to the following clause:

(aa) requiring disclosure in or with the return mentioned in subsection 1 of section 3 of the citizenship of officers and directors.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Corporations Information Amendment Act, 1972*.

An Act to amend
The Corporations Information
Act, 1971

1st Reading

June 15th, 1972

2nd Reading

December 8th, 1972

3rd Reading

December 15th, 1972

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

BILL 182

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 *TK*

An Act to amend The Jurors Act

THE HON. D. A. BALES
Attorney General

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EXPLANATORY NOTES

SECTION 1. The amendment deletes coroners from the definition of "sheriff". This is complementary to the new *Coroners Act, 1972*.

SECTION 2. The assessed owner and property value requirement are deleted from the qualifications of jurors. Eligibility to vote under *The Municipal Elections Act, 1972* is substituted.

SECTION 3. The provisions repealed provide for exemption of women from jury duty.

SECTION 4. Complementary to section 2 of this Bill. The provision repealed exempts persons in territory without municipal organization from the property qualification and reference to "voters' list" is changed to "polling list" in accord with the new *Municipal Elections Act, 1972*.

SECTION 5. The amendment ensures that a grand jury can inspect places in which persons in custody are kept before trial where such places provided for the county are located in another county.

BILL 182

1972

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is amended by striking out "a coroner" in the first line. s. 1 (e),
amended

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 16, is repealed and the following substituted therefor: s. 2,
re-enacted

2. Subject to section 44, and unless exempted or disqualified, every person in the possession of his or her natural faculties and not infirm or decrepit, who is resident in a county or district and whose name is entered on the last revised polling list prepared under *The Municipal Elections Act, 1972*, of electors for the election of members of the council of a municipality in the county, district or of a school board in territory without municipal organization, is qualified and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county or district. Eligible
jurors

1972, c.

3. Section 4 of the said Act is repealed. s. 4,
repealed

4.—(1) Subsection 7 of section 44 of the said Act is repealed. s. 44 (7),
repealed

(2) Subsection 8 of the said section 44 is amended by striking out "voters' list" in the third line and inserting in lieu thereof "polling list". s. 44 (8),
amended

5. Subsection 1 of section 46 of the said Act is amended by inserting after "district" in the fourth line "and lock-ups established for the county or district". s. 46 (1),
amended

s. 51a,
enacted

6. The said Act is amended by adding thereto the following section:

Division into
more than
one panel

51a. Where the judge of a county court considers it necessary, he may direct that the petit jurors summoned for the jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

s. 90 (1),
amended

7.—(1) Subsection 1 of section 90 of the said Act is amended by striking out “or coroner” in the third line and by striking out “coroner” in the fifth line.

s. 90 (2),
amended

(2) Subsection 2 of the said section 90 is amended by striking out “coroner” in the first line.

Commence-
ment

8.—(1) This Act, except sections 1 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Jurors Amendment Act, 1972.*

SECTION 6. The amendment would permit simultaneous selections of juries where more than one jury trial is commenced on the same day.

SECTION 7. The provision amended provides for penalties where jurors for coroners juries fail to appear. The deletion is complementary to the new *Coroners Act, 1972*.

An Act to amend
The Jurors Act

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Jurors Act

THE HON. D. A. BALES
Attorney General

(Reprinted as amended by the Committee of the Whole House)

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BILL 182

1972

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amended

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 16, is repealed and the following substituted therefor: s. 2,
re-enacted
 2. Subject to section 44, and unless exempted or disqualified, every person in the possession of his or her natural faculties and not infirm or decrepit, who is resident in a county or district and whose name is entered on the last revised polling list prepared under *The Municipal Elections Act, 1972*, of electors for the election of members of the council of a municipality in the county or district or of a school board in territory without municipal organization, is qualified and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county or district. Eligible
jurors

1972, c.

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- 4.—(1) Subsection 7 of section 44 of the said Act is repealed. s. 44 (7),
repealed

- (2) Subsection 8 of the said section 44 is amended by striking out "voters' list" in the third line and inserting in lieu thereof "polling list". s. 44 (8),
amended

5. Subsection 1 of section 46 of the said Act is amended by inserting after "district" in the fourth line "and lock-ups established for the county or district". s. 46 (1),
amended

ss. 51a, 51b,
enacted

6. The said Act is amended by adding thereto the following sections:

Division of
Supreme
Court panel

51a. Where a judge of the Supreme Court considers it necessary, he may direct that the petit jurors summoned for a sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

Division of
county court
panel

51b. Where the judge of a county court considers it necessary, he may direct that the petit jurors summoned for jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

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7.—(1) Subsection 1 of section 90 of the said Act is amended by striking out “or coroner” in the third line and by striking out “coroner” in the fifth line.

s. 90 (2),
amended

(2) Subsection 2 of the said section 90 is amended by striking out “coroner” in the first line.

Commence-
ment

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Idem

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Short title

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SECTION 7. The provision amended provides for penalties where jurors for coroners juries fail to appear. The deletion is complementary to the new *Coroners Act, 1972*.

An Act to amend
The Jurors Act

1st Reading

June 16th, 1972

2nd Reading

June 27th, 1972

3rd Reading

THE Hon. D. A. BALES
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Jurors Act



THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 182

1972

An Act to amend The Jurors Act

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1. Clause *e* of section 1 of *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is amended by striking out "a coroner" in the first line. s. 1 (e),
amended

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 16, is repealed and the following substituted therefor: s. 2,
re-enacted
 2. Subject to section 44, and unless exempted or disqualified, every person in the possession of his or her natural faculties and not infirm or decrepit, who is resident in a county or district and whose name is entered on the last revised polling list prepared under *The Municipal Elections Act, 1972*, of electors for the election of members of the council of a municipality in the county or district or of a school board in territory without municipal organization, is qualified and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county or district. Eligible
jurors
1972, c.

3. Section 4 of the said Act is repealed. s. 4,
repealed

- 4.—(1) Subsection 7 of section 44 of the said Act is repealed. s. 44 (7),
repealed

- (2) Subsection 8 of the said section 44 is amended by striking out "voters' list" in the third line and inserting in lieu thereof "polling list". s. 44 (8),
amended

5. Subsection 1 of section 46 of the said Act is amended by inserting after "district" in the fourth line "and lock-ups established for the county or district". s. 46 (1),
amended

ss. 51a, 51b,
enacted

6. The said Act is amended by adding thereto the following sections:

Division of
Supreme
Court panel

51a. Where a judge of the Supreme Court considers it necessary, he may direct that the petit jurors summoned for a sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

Division of
county court
panel

51b. Where the judge of a county court considers it necessary, he may direct that the petit jurors summoned for jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

s. 90 (1),
amended

7.—(1) Subsection 1 of section 90 of the said Act is amended by striking out “or coroner” in the third line and by striking out “coroner” in the fifth line.

s. 90 (2),
amended

(2) Subsection 2 of the said section 90 is amended by striking out “coroner” in the first line.

Commence-
ment

8.—(1) This Act, except sections 1 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Jurors Amendment Act, 1972.*

An Act to amend
The Jurors Act

1st Reading

June 16th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Hospitals Act

THE HON. R. T. POTTER
Minister of Health



EXPLANATORY NOTES

SECTION 1. The definitions are amended as complementary to other changes made by the Bill.

SECTION 2. The amendment brings sanatoria for consumptives under *The Public Hospitals Act*.

BILL 183

1972

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Hospitals Act*, being chapter s. 1, amended 378 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(aa) “Appeal Board” means the Hospital Appeal Board established by this Act.

(2) Clauses *c* and *d* of the said section 1 are repealed. s. 1 (*c, d*), repealed

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: s. 1 (*g*), re-enacted

(g) “inspector” means an officer of the Ministry designated under this Act as an inspector.

(4) Section 1 of the said Act is further amended by adding thereto the following clause: s. 1, amended

(ga) “medical advisory committee” means a committee established under section 42.

(5) Clause *m* of the said section 1 is repealed and the following substituted therefor: s. 1 (*m*), re-enacted

(m) “physician” means a legally qualified medical practitioner;

(ma) “provincial aid” means any sum paid to a hospital under this Act or *The Health Insurance Act, 1972*. 1972, c. ...

(6) Clause *p* of the said section 1 is repealed. s. 1 (*p*), repealed

2. Section 2 of the said Act is amended by striking out s. 2, amended “a sanatorium under *The Sanatoria for Consumptives Act* or” in the first and second lines.

- s. 3,
amended **3.** Section 3 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”.
- s. 4 (1),
amended **4.—(1)** Subsection 1 of section 4 of the said Act is amended by striking out “Commission” in the third line and inserting in lieu thereof “Minister”.
- s. 4 (2),
amended (2) Subsection 2 of the said section 4 is amended by striking out “Commission to the” in the fourth line.
- s. 4 (3),
amended (3) Subsection 3 of the said section 4 is amended by striking out “Commission” in the third line and inserting in lieu thereof “Minister”.
- s. 4 (4),
amended (4) Subsection 4 of the said section 4 is amended by striking out “Commission” in the fourth line and inserting in lieu thereof “Minister”.
- s. 4 (5),
amended (5) Subsection 5 of the said section 4 is amended by striking out “on the recommendation of the Commission” in the third line.
- s. 5,
amended **5.** Section 5 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”.
- s. 6,
amended **6.** Section 6 of the said Act is amended by striking out “Commission” in the first line and inserting in lieu thereof “Minister”.
- ss. 7, 8,
re-enacted **7.** Sections 7 and 8 of the said Act are repealed and the following substituted therefor:
- Powers 7. Every hospital has power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do.
- Expropriation
R.S.O. 1970,
c. 154 8. Subject to *The Expropriations Act*, a board may expropriate any real property necessary for the purpose of properly conducting the hospital.
- s. 9 (1),
re-enacted **8.—(1)** Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

SECTIONS 3 TO 6. References to the Ontario Hospital Services Commission are deleted and Minister substituted. This is complementary to the Bills for *The Health Insurance Act, 1972* and *The Ministry of Health Act, 1972* under which the Commission is terminated.

SECTION 7. The amendment removes reference to the Act prevailing over other Acts. The reference to powers of expropriation is brought up to date.

SECTION 8.—Subsections 1 and 2. See note for section 2 of this Bill.

Subsection 3. The effect of the amendment is to not require approval of the Lieutenant Governor in Council to amendments of by-laws of hospitals unless the amendment is ordered to be made.

Subsection 4. The new provision enables the Lieutenant Governor in Council to appoint provincial representatives to hospital boards.

SECTION 9. The protection from civil liability is widened as recommended by the Grange report and complementary to the additional procedures in section 23 of this Bill.

SECTION 10. See note for section 2 of this Bill.

SECTION 11. The amendment deletes reference to specific classifications of hospitals.

- (1) A hospital shall pass by-laws as prescribed by the ^{By-laws} regulations, subject to the approval of the Minister.

(2) Subsection 2 of the said section 9 is amended by in-^{s. 9 (2),}serting after "shall" in the first line "pass" and by striking^{amended} out "Commission" in the second line and inserting in lieu thereof "Minister".

(3) Subsection 3 of the said section 9 is repealed and the^{s. 9 (3),} following substituted therefor:^{re-enacted}

- (3) No by-law, or amendment to or revision of a by-law,^{Idem} made under subsection 2 has any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation of the Minister.

(4) Section 9 of the said Act is amended by adding thereto^{s. 9,} the following subsection:^{amended}

- (11) Notwithstanding *The Corporations Act*, upon the^{Idem} recommendation of the Minister, the Lieutenant^{R.S.O. 1970,} Governor in Council may appoint one or more^{c. 89} provincial hospital representatives to the board of a hospital for a term of office of not more than three years and such provincial hospital representatives shall have all the rights and responsibilities of elected directors.

9. Section 10 of the said Act is repealed and the following^{s. 10,} substituted therefor:^{re-enacted}

10. No member of a committee of the medical staff of a^{Protection} hospital or of the board or Appeal Board or of the^{from} staff thereof and no witness in a proceeding or in-^{liability}vestigation before such committee or board is liable for anything done or said in good faith in the course of a meeting, proceeding, investigation or other business of the committee or board.

10. Section 15 of the said Act is repealed and the following^{s. 15,} substituted therefor:^{re-enacted}

15. The Minister may designate one or more officers of^{Inspectors} the Ministry to be inspectors for the purposes of this Act and the regulations.

11. Section 17 of the said Act is repealed and the following^{s. 17,} substituted therefor:^{re-enacted}

Admission
of patients

17. Where,

(a) a person has been admitted to a hospital by a physician pursuant to the regulations; and

(b) such person requires the level or type of hospital care for which the hospital is approved by the regulations,

the hospital shall accept such person as a patient.

s. 19 (1),
amended

12.—(1) Subsection 1 of section 19 of the said Act is amended by striking out “in a hospital” in the first line.

s. 19 (2-4),
repealed

(2) Subsections 2, 3 and 4 of the said section 19 are repealed.

ss. 22, 23,
repealed

13. Sections 22 and 23 of the said Act are repealed.

s. 24,
re-enacted

14. Section 24 of the said Act is repealed and the following substituted therefor:

Burial
expenses,
by
municipality

24. In the event of the death in a hospital of a patient who is an indigent person, or the dependant of an indigent person, the municipality in which he was a resident at the time of his admission shall pay to the hospital any expenses of his burial that it incurs.

ss. 25-31,
repealed

15. Sections 25, 26, 27, 28, 29, 30 and 31 of the said Act are repealed.

s. 32,
amended

16. Section 32 of the said Act is amended by striking out “for treatment of any patient or” in the first and second lines.

s. 33 (1),
amended

17.—(1) Subsection 1 of section 33 of the said Act is amended by striking out “treatment of a patient or on payment by it of” in the second and third lines.

s. 33 (2-4),
repealed

(2) Subsections 2, 3 and 4 of the said section 33 are repealed.

s. 34,
amended

18. Section 34 of the said Act is amended by striking out “treatment of a patient or upon payment of any” in the second line.

s. 37,
amended

19. Section 37 of the said Act is amended by striking out “six months” in the fourth line and inserting in lieu thereof “two years”.

s. 38,
repealed

20. Section 38 of the said Act is repealed.

SECTIONS 12 TO 18. The provisions repealed or amended deal with the liability of a municipality for treatment of indigents. This liability is removed so far as treatment or care in hospitals is concerned.

SECTION 19. The limitation period for actions for negligence is increased from six months to two years.

SECTION 20. See note for sections 12 to 18 of this Bill.

SECTION 21. The regulation section is amended to govern the organization of medical staff and committees and to prescribe what constitutes sufficient consent to medical treatment. The provisions repealed are redundant.

SECTION 22. The provision for informing The College of Physicians and Surgeons of findings of misconduct of a physician in a hospital is made more specific.

21.—(1) Subsection 1 of section 39 of the said Act is ^{s. 39 (1),} amended by striking out “Upon the recommendation of the Commission to the Minister, the Lieutenant Governor in Council may make such regulations” in the first, second and third lines and inserting in lieu thereof “Subject to the approval of the Lieutenant Governor in Council, the Minister may make such regulations”.

(2) Clause *j* of subsection 1 of the said section 39 is ^{s. 39 (1) (j),} amended by striking out “discipline” in the first line and inserting in lieu thereof “control”.

(3) Subsection 1 of the said section 39 is further amended ^{s. 39 (1),} by adding thereto the following clause:

(*ja*) prescribing the organization of the medical staff of a hospital including the composition and duties of admission and discharge committees and other committees of the medical staff.

(4) Clause *o* of subsection 1 of the said section 39 is ^{s. 39 (1) (o),} amended by striking out “Commission” in the first and second lines and inserting in lieu thereof “Ministry”.

(5) Subsection 1 of the said section 39 is further amended ^{s. 39 (1),} by adding thereto the following clause:

(*oa*) prescribing the requirements to be satisfied for obtaining a valid consent for any surgical operation, diagnostic procedure or medical treatment, the method of obtaining such consent, the conditions under which such consent may be dispensed with and specifying the age or ages at which and under what conditions a patient may give a valid consent for a surgical operation, diagnostic procedure or medical treatment to be performed on himself.

(6) Clauses *s* and *t* of subsection 1 of the said section 39 ^{s. 39 (1) (s, t),} are repealed.

(7) Subsection 2 of the said section 39 is amended by ^{s. 39 (2),} striking out “On the recommendation of the Commission” in the first line.

22. Section 40 of the said Act is repealed and the following ^{s. 40,} substituted therefor:

40. Where,

(*a*) the application of a physician for appointment or reappointment to a medical staff of a hospital

Notice to
college of
disciplinary
action
against
physician

is rejected by reason of his incompetence, negligence or misconduct;

- (b) the privileges of a member of a medical staff of a hospital are restricted or cancelled by reason of his incompetence, negligence or misconduct; or
- (c) a physician voluntarily or involuntarily resigns from a medical staff of a hospital during the course of an investigation into his competence, negligence or conduct,

the administrator of such hospital shall prepare and forward a detailed report to The College of Physicians and Surgeons of Ontario.

ss. 42-50,
enacted

23. The said Act is amended by adding thereto the following sections:

Medical
advisory
committee

42.—(1) Every board shall establish a medical advisory committee composed of such elected and appointed members of the medical staff as are prescribed by the regulations.

Duties

(2) The medical advisory committee shall consider and make recommendations to the board respecting any matter referred to it under section 44 and perform such other duties as are assigned to it by or under this or any other Act or by the board.

Powers of
board re
medical
staff

43. The board may,

- (a) appoint physicians to a group of the medical staff of the hospital established by the by-laws;
- (b) determine the hospital privileges to be attached to the appointment of a member of the staff; and
- (c) revoke or suspend the appointment of or refuse to reappoint a member of the medical staff.

Application
for medical
staff
appointment,
hospital
privileges,
etc.

44.—(1) Every physician is entitled to apply for an appointment or a reappointment to any group of the medical staff of a hospital established by its by-laws or for a change in hospital privileges and, upon receipt of a written request, an administrator shall supply an appropriate application form.

SECTION 23. The new provisions are based on the recommendations of the Grange report and provide procedures for the admission and refusal to admit physicians to the staff of a hospital, including hearings and appeals.

- (2) Every physician appointed to the medical staff of a hospital shall be appointed for a period of not more than one year. ^{Term of appointment}
- (3) Each application shall be submitted to the administrator who shall immediately refer such application to the medical advisory committee. ^{Idem}
- (4) Each application shall be considered by the medical advisory committee which shall make a recommendation thereon in writing to the board within sixty days from the date of the application. ^{Recommendation of medical advisory committee}
- (5) Notwithstanding subsection 4, a medical advisory committee may make its recommendation later than sixty days after the date of the application if, prior to the expiry of the sixty day period, it indicates in writing to the board and the applicant that a final recommendation cannot yet be made and gives written reasons therefor. ^{Idem}
- (6) The medical advisory committee shall give written notice to the applicant and the board of its recommendation. ^{Notice of recommendation}
- (7) A notice under subsection 6 shall inform the applicant that he is entitled to, ^{Idem}
 - (a) written reasons for the recommendation if a request is received by the medical advisory committee within seven days of the receipt by the applicant of a notice of the recommendation; and
 - (b) a hearing before the board if a written request is received by the board and the medical advisory committee within seven days of the receipt by the applicant of the written reasons under clause *a*,

and he may so require such reasons and hearing.
45. Where the applicant does not require a hearing by the board in accordance with subsection 7 of section 44, the board may implement the recommendation of the medical advisory committee. ^{Where no hearing required}
- 46.—(1) Where an applicant requires a hearing by the board in accordance with subsection 2, the board shall appoint a time for and hold the hearing and shall ^{Powers of board where hearing}

decide the matter in the exercise of its powers under clause *a* or *b* of section 43.

Parties

- (2) The applicant or member, the medical advisory committee and such other persons as the board may specify are parties to proceedings before the board under this section.

Continuation
of
appointment
pending re-
appointment

- (3) Where, within the time prescribed therefor, a member has applied for reappointment, his appointment shall be deemed to continue,

(a) until the reappointment is granted; or

(b) where he is served with notice that the board refuses to grant the reappointment, until the time for giving notice requiring a hearing by the Appeal Board has expired and, where a hearing is required, until the decision of the Appeal Board has become final.

Members
holding
hearing not
to have
taken part in
investigation,
etc.

- (4) Members of the board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice of
hearing

- (5) Where a hearing by the board is required, the person requiring the hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Findings
of fact

- (6) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
members at
hearing to
participate
in decision

- (7) No member of the board shall participate in a decision of the board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except

with the consent of the parties, no decision of the board shall be given unless all members so present participate in the decision.

- (8) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the board fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the board may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension.

- 47.—(1) The Hospital Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman.

- (2) The Appeal Board shall be composed of two members who shall be physicians, one member of the legal profession or judiciary and two members representing the public interest, one of whom is a member of a board.

- (3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Appeal Board.

- (4) Three members of the Appeal Board constitute a quorum.

- (5) The members of the Appeal Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

- 48.—(1) Any applicant for appointment to or member of the medical staff or who was a party to a proceeding before the board and who is affected by,

(a) a decision revoking or suspending his appointment or refusing to reappoint him under clause c of section 43; or

(b) a decision cancelling, suspending or substantially altering his hospital privileges under section 41 or the by-laws,

is entitled to,

- (c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the party or member of a notice of the decision; and
- (d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the party or member of written reasons under clause a.
- Procedure at hearing (2) Section 46 applies to a hearing before the Appeal Board in the same manner as if the party or member were an applicant entitled to a hearing before a board under section 44.
- Parties (3) The board and person mentioned in subsection 1 and such other persons as the Appeal Board may specify are parties to proceedings before the Appeal Board under this section.
- Recording of evidence (4) Oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- Powers of Appeal Board (5) After a hearing, the Appeal Board may by order confirm the decision appealed from or direct the board or other person or body making the decision appealed from to take such action as the Appeal Board considers ought to be taken in accordance with this Act, the regulations and the by-laws, and for such purposes may substitute its opinion for that of the board, person or body making the decision appealed from.
- Referral of matters to professional organization for report (6) The Appeal Board may at any time during a hearing and prior to rendering a decision refer any matter to any professional organization for the purpose of obtaining expert assistance or a formal report.
- Service of notice 49.—(1) Service of a notice under sections 44, 46 and 48 may be made personally or by registered mail addressed to the person to be served at his last known address and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third day after the day of mailing unless the person to be served establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date.

50.—(1) Any party to proceedings before the Appeal Board may appeal from its decision to the Supreme Court in accordance with the rules of court. ^{Appeal from decision of Appeal Board}

(2) Where any party appeals from a decision of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}

(3) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Appeal Board, and for such purpose the court may substitute its opinion for that of the Appeal Board or board or other person or body authorized to make the decision appealed from, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. ^{Powers of court on appeal}

24.—(1) This Act, except sections 1 to 21, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 1 to 21 shall be deemed to have come into force on the 1st day of April, 1972. ^{Idem}

25. This Act may be cited as *The Public Hospitals Amendment Act, 1972*. ^{Short title}

An Act to amend
The Public Hospitals Act

1st Reading

June 16th, 1972

2nd Reading

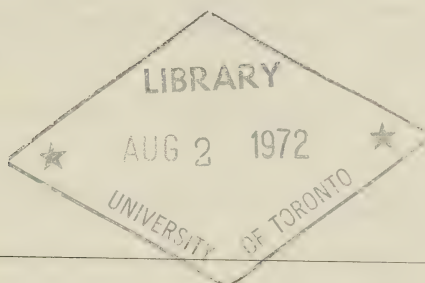
3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

BILL 183

2ND SESSION, 29TH ~~LEGISLATURE~~, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Public Hospitals Act

THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Hospitals Act*, being chapter ^{s. 1, amended} 378 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(aa) “Appeal Board” means the Hospital Appeal Board established by this Act.

(2) Clauses *c* and *d* of the said section 1 are repealed. s. 1 (c, d),
repealed

(3) Clause *g* of the said section 1 is repealed and the <sup>s. 1 (g),
re-enacted</sup> following substituted therefor:

(g) “inspector” means an officer of the Ministry designated under this Act as an inspector.

(4) Section 1 of the said Act is further amended by adding <sup>s. 1,
amended</sup> thereto the following clause:

(ga) “medical advisory committee” means a committee established under section 42.

(5) Clause *m* of the said section 1 is repealed and the <sup>s. 1 (m),
re-enacted</sup> following substituted therefor:

(m) “physician” means a legally qualified medical practitioner;

(ma) “provincial aid” means any sum paid to a hospital under this Act or *The Health Insurance Act, 1972*. 1972, c. ...

(6) Clause *p* of the said section 1 is repealed. s. 1 (p),
repealed

2. Section 2 of the said Act is amended by striking out <sup>s. 2,
amended</sup> “a sanatorium under *The Sanatoria for Consumptives Act* or” in the first and second lines.

s. 3,
amended

3. Section 3 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

s. 4 (1),
amended

4.—(1) Subsection 1 of section 4 of the said Act is amended by striking out "Commission" in the third line and inserting in lieu thereof "Minister".

s. 4 (2),
amended

(2) Subsection 2 of the said section 4 is amended by striking out "Commission to the" in the fourth line.

s. 4 (3),
amended

(3) Subsection 3 of the said section 4 is amended by striking out "Commission" in the third line and inserting in lieu thereof "Minister".

s. 4 (4),
amended

(4) Subsection 4 of the said section 4 is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".

s. 4 (5),
amended

(5) Subsection 5 of the said section 4 is amended by striking out "on the recommendation of the Commission" in the third line.

s. 5,
amended

5. Section 5 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

s. 6,
amended

6. Section 6 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

ss. 7, 8,
re-enacted

7. Sections 7 and 8 of the said Act are repealed and the following substituted therefor:

Powers

7. Every hospital has power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do.

Expropriation
R.S.O. 1970,
c. 154

8. Subject to *The Expropriations Act*, a board may expropriate any real property necessary for the purpose of properly conducting the hospital.

s. 9 (1),
re-enacted

8.—(1) Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

(1) A hospital shall pass by-laws as prescribed by the ^{By-laws} regulations, subject to the approval of the Minister.

(2) Subsection 2 of the said section 9 is amended by in- ^{s. 9 (2),}serting after "shall" in the first line "pass" and by striking ^{amended} out "Commission" in the second line and inserting in lieu thereof "Minister".

(3) Subsection 3 of the said section 9 is repealed and the ^{s. 9 (3),}following substituted therefor: ^{re-enacted}

(3) No by-law, or amendment to or revision of a by-law, ^{Idem}made under subsection 2 has any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation of the Minister.

(4) Section 9 of the said Act is amended by adding thereto ^{s. 9,}the following subsection: ^{amended}

(11) Notwithstanding *The Corporations Act*, upon the ^{Idem}recommendation of the Minister, the Lieutenant ^{R.S.O. 1970,}Governor in Council may appoint one or more ^{c. 89}provincial hospital representatives to the board of a hospital for a term of office of not more than three years and such provincial hospital representatives shall have all the rights and responsibilities of elected directors.

9. Section 10 of the said Act is repealed and the following ^{s. 10,}substituted therefor: ^{re-enacted}

10. No member of a committee of the medical staff of a ^{Protection}hospital or of the board or Appeal Board or of the ^{from}staff thereof and no witness in a proceeding or in- ^{liability}vestigation before such committee or board is liable for anything done or said in good faith in the course of a meeting, proceeding, investigation or other business of the committee or board.

10. Section 15 of the said Act is repealed and the following ^{s. 15,}substituted therefor: ^{re-enacted}

15. The Minister may designate one or more officers of ^{Inspectors}the Ministry to be inspectors for the purposes of this Act and the regulations.

11. Section 17 of the said Act is repealed and the following ^{s. 17,}substituted therefor: ^{re-enacted}

Admission
of patients

17. Where,

(a) a person has been admitted to a hospital by a physician pursuant to the regulations; and

(b) such person requires the level or type of hospital care for which the hospital is approved by the regulations,

the hospital shall accept such person as a patient.

s. 19 (1),
amended

12.—(1) Subsection 1 of section 19 of the said Act is amended by striking out “in a hospital” in the first line.

s. 19 (2-4),
repealed

(2) Subsections 2, 3 and 4 of the said section 19 are repealed.

ss. 22, 23,
repealed

13. Sections 22 and 23 of the said Act are repealed.

s. 24,
re-enacted

14. Section 24 of the said Act is repealed and the following substituted therefor:

Burial
expenses,
by
municipality

24. In the event of the death in a hospital of a patient who is an indigent person, or the dependant of an indigent person, the municipality in which he was a resident at the time of his admission shall pay to the hospital any expenses of his burial that it incurs.

ss. 25-31,
repealed

15. Sections 25, 26, 27, 28, 29, 30 and 31 of the said Act are repealed.

s. 32,
amended

16. Section 32 of the said Act is amended by striking out “for treatment of any patient or” in the first and second lines.

s. 33 (1),
amended

17.—(1) Subsection 1 of section 33 of the said Act is amended by striking out “treatment of a patient or on payment by it of” in the second and third lines.

s. 33 (2-4),
repealed

(2) Subsections 2, 3 and 4 of the said section 33 are repealed.

s. 34,
amended

18. Section 34 of the said Act is amended by striking out “treatment of a patient or upon payment of any” in the second line.

s. 37,
amended

19. Section 37 of the said Act is amended by striking out “six months” in the fourth line and inserting in lieu thereof “two years”.

s. 38,
repealed

20. Section 38 of the said Act is repealed.

21.—(1) Subsection 1 of section 39 of the said Act is ^{s. 39 (1),} amended by striking out “Upon the recommendation of the Commission to the Minister, the Lieutenant Governor in Council may make such regulations” in the first, second and third lines and inserting in lieu thereof “Subject to the approval of the Lieutenant Governor in Council, the Minister may make such regulations”.

(2) Clause *j* of subsection 1 of the said section 39 is ^{s. 39 (1) (j),} amended by striking out “discipline” in the first line and inserting in lieu thereof “control”.

(3) Subsection 1 of the said section 39 is further amended ^{s. 39 (1),} by adding thereto the following clause:

- (ja) prescribing the organization of the medical staff of a hospital including the composition and duties of admission and discharge committees and other committees of the medical staff.

(4) Clause *o* of subsection 1 of the said section 39 is ^{s. 39 (1) (o),} amended by striking out “Commission” in the first and second lines and inserting in lieu thereof “Ministry”.

(5) Subsection 1 of the said section 39 is further amended ^{s. 39 (1),} by adding thereto the following clause:

- (oa) prescribing the requirements to be satisfied for obtaining a valid consent for any surgical operation, diagnostic procedure or medical treatment, the method of obtaining such consent, the conditions under which such consent may be dispensed with and specifying the age or ages at which and under what conditions a patient may give a valid consent for a surgical operation, diagnostic procedure or medical treatment to be performed on himself.

(6) Clauses *s* and *t* of subsection 1 of the said section 39 ^{s. 39 (1) (s, t),} are repealed ^{repealed}.

(7) Subsection 2 of the said section 39 is amended by ^{s. 39 (2),} striking out “On the recommendation of the Commission” in the first line. ^{amended}

22. Section 40 of the said Act is repealed and the following ^{s. 40,} substituted therefor: ^{re-enacted}

40. Where,

- (a) the application of a physician for appointment or reappointment to a medical staff of a hospital

Notice to
college of
disciplinary
action
against
physician

is rejected by reason of his incompetence, negligence or misconduct;

- (b) the privileges of a member of a medical staff of a hospital are restricted or cancelled by reason of his incompetence, negligence or misconduct; or
- (c) a physician voluntarily or involuntarily resigns from a medical staff of a hospital during the course of an investigation into his competence, negligence or conduct,

the administrator of such hospital shall prepare and forward a detailed report to The College of Physicians and Surgeons of Ontario.

ss. 42-50,
enacted

23. The said Act is amended by adding thereto the following sections:

Medical
advisory
committee

42.—(1) Every board shall establish a medical advisory committee composed of such elected and appointed members of the medical staff as are prescribed by the regulations.

Duties

(2) The medical advisory committee shall consider and make recommendations to the board respecting any matter referred to it under section 44 and perform such other duties as are assigned to it by or under this or any other Act or by the board.

Powers of
board re
medical
staff

43. The board may,

- (a) appoint physicians to a group of the medical staff of the hospital established by the by-laws;
- (b) determine the hospital privileges to be attached to the appointment of a member of the staff; and
- (c) revoke or suspend the appointment of or refuse to reappoint a member of the medical staff.

Application
for medical
staff
appointment,
hospital
privileges,
etc.

44.—(1) Every physician is entitled to apply for an appointment or a reappointment to any group of the medical staff of a hospital established by its by-laws or for a change in hospital privileges and, upon receipt of a written request, an administrator shall supply an appropriate application form.

- (2) Every physician appointed to the medical staff of a hospital shall be appointed for a period of not more than one year. ^{Term of appointment}
- (3) Each application shall be submitted to the administrator who shall immediately refer such application to the medical advisory committee. ^{Idem}
- (4) Each application shall be considered by the medical advisory committee which shall make a recommendation thereon in writing to the board within sixty days from the date of the application. ^{Recommendation of medical advisory committee}
- (5) Notwithstanding subsection 4, a medical advisory committee may make its recommendation later than sixty days after the date of the application if, prior to the expiry of the sixty day period, it indicates in writing to the board and the applicant that a final recommendation cannot yet be made and gives written reasons therefor. ^{Idem}
- (6) The medical advisory committee shall give written notice to the applicant and the board of its recommendation. ^{Notice of recommendation}
- (7) A notice under subsection 6 shall inform the applicant that he is entitled to, ^{Idem}
 - (a) written reasons for the recommendation if a request is received by the medical advisory committee within seven days of the receipt by the applicant of a notice of the recommendation; and
 - (b) a hearing before the board if a written request is received by the board and the medical advisory committee within seven days of the receipt by the applicant of the written reasons under clause a,

and he may so require such reasons and hearing.
45. Where the applicant does not require a hearing by the board in accordance with subsection 7 of section 44, the board may implement the recommendation of the medical advisory committee. ^{Where no hearing required}
- 46.—(1) Where an applicant requires a hearing by the board in accordance with subsection 2, the board shall appoint a time for and hold the hearing and shall ^{Powers of board where hearing}

decide the matter in the exercise of its powers under clause *a* or *b* of section 43.

Parties

- (2) The applicant or member, the medical advisory committee and such other persons as the board may specify are parties to proceedings before the board under this section.

Continuation of appointment pending re-appointment

- (3) Where, within the time prescribed therefor, a member has applied for reappointment, his appointment shall be deemed to continue,

(a) until the reappointment is granted; or

(b) where he is served with notice that the board refuses to grant the reappointment, until the time for giving notice requiring a hearing by the Appeal Board has expired and, where a hearing is required, until the decision of the Appeal Board has become final.

Members holding hearing not to have taken part in investigation, etc.

- (4) Members of the board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice of hearing

- (5) Where a hearing by the board is required, the person requiring the hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Findings of fact

- (6) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

- (7) No member of the board shall participate in a decision of the board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except

with the consent of the parties, no decision of the board shall be given unless all members so present participate in the decision.

- (8) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the board fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the board may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension. ^{Extension of time for giving notice}
- 47.—(1) The Hospital Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman. ^{Hospital Appeal Board established}
- (2) The Appeal Board shall be composed of two members who shall be physicians, one member of the legal profession or judiciary and two members representing the public interest, one of whom is a member of a board. ^{Members of Appeal Board}
- (3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Appeal Board. ^{Membership restriction}
- (4) Three members of the Appeal Board constitute a quorum.
- (5) The members of the Appeal Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines. ^{Remuneration}
- 48.—(1) Any applicant for appointment to or member of the medical staff or who was a party to a proceeding before the board and who is affected by, ^{Reasons and appeal}
- (a) a decision revoking or suspending his appointment or refusing to reappoint him under clause c of section 43; or
 - (b) a decision cancelling, suspending or substantially altering his hospital privileges under section 41 or the by-laws,

is entitled to,

(c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the party or member of a notice of the decision; and

(d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the party or member of written reasons under clause *a*.

Procedure
at hearing

(2) Section 46 applies to a hearing before the Appeal Board in the same manner as if the party or member were an applicant entitled to a hearing before a board under section 44.

Parties

(3) The board and person mentioned in subsection 1 and such other persons as the Appeal Board may specify are parties to proceedings before the Appeal Board under this section.

Recording of
evidence

(4) Oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Powers of
Appeal Board

(5) After a hearing, the Appeal Board may by order confirm the decision appealed from or direct the board or other person or body making the decision appealed from to take such action as the Appeal Board considers ought to be taken in accordance with this Act, the regulations and the by-laws, and for such purposes may substitute its opinion for that of the board, person or body making the decision appealed from.

Referral of
matters to
professional
organization
for report

(6) The Appeal Board may at any time during a hearing and prior to rendering a decision refer any matter to any professional organization for the purpose of obtaining expert assistance or a formal report.

Service of
notice

49.—(1) Service of a notice under sections 44, 46 and 48 may be made personally or by registered mail addressed to the person to be served at his last known address and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third day after the day of mailing unless the person to be served establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive it until a later date.

50.—(1) Any party to proceedings before the Appeal Board may appeal from its decision to the Supreme Court in accordance with the rules of court. ^{Appeal from decision of Appeal Board}

(2) Where any party appeals from a decision of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. ^{Record to be filed in court}

(3) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Appeal Board, and for such purpose the court may substitute its opinion for that of the Appeal Board or board or other person or body authorized to make the decision appealed from, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. ^{Powers of court on appeal}

24.—(1) This Act, except sections 1 to 21, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 1 to 21 shall be deemed to have come into force on the 1st day of April, 1972. ^{Idem}

25. This Act may be cited as *The Public Hospitals Amendment Act, 1972*. ^{Short title}

212 100

An Act to amend
The Public Hospitals Act

1st Reading

June 16th, 1972

2nd Reading

June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. R. T. POTTER
Minister of Health

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BILL 184

Government
Publications
Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Health Insurance

THE HON. R. T. POTTER
Minister of Health



EXPLANATORY NOTE

This Bill provides for the Ontario Health Insurance Plan referred to in *The Ontario Health Insurance Organization Act, 1971* (2nd Sess.).

The Ontario Hospital Services Insurance Plan and the Ontario Health Insurance Plan are combined under a General Manager in the Ministry of Health.

The Ontario Hospital Services Commission is dissolved and its functions respecting hospital administration are moved to the Ministry of Health by complementary amendments to *The Ministry of Health Act*, *The Public Hospitals Act* and *The Ambulance Act*.

The use of designated agents as provided for OHSIP is removed.

An Act respecting Health Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Appeal Board" means the Health Services Appeal Board established by this Act;
- (b) "dependant" means a dependant of an insured person, as defined in the regulations;
- (c) "Deputy Minister" means the Deputy Minister of Health;
- (d) "future cost of insured services" means the estimated total cost of the future insured services made necessary as the result of an injury that will probably be required by a patient after the date of settlement or, where there is no settlement, the first day of trial;
- (e) "General Manager" means the General Manager appointed under section 4;
- (f) "health facility" means extended care units in a nursing home, ambulance services, medical laboratories and such other health facilities as are prescribed by the regulations;
- (g) "insured person" means a person who is entitled to insured services under this Act and the regulations;
- (h) "insured services" means such services of hospitals and health facilities as are prescribed by the regulations, all services rendered by physicians that are medically necessary and such other health care services as are rendered by such practitioners and under

R.S.O. 1970,
cc. 505, 205

R.S.C. 1970,
cc. H-8, M-8

such conditions and limitations as are prescribed by the regulations, but not including the services that a person is entitled to under *The Workmen's Compensation Act*, *The Homes for Special Care Act* or under any Act of the Parliament of Canada except the *Hospital Insurance and Diagnostic Services Act* (Canada) and the *Medical Care Act* (Canada);

- (i) "Minister" means the Minister of Health;
- (j) "past cost of insured services" means the total cost of the insured services made necessary as the result of an injury and provided to a patient up to and including the date of settlement or, where there is no settlement, the first day of trial;
- (k) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (l) "Plan" means the Ontario Health Insurance Plan established under section 9;
- (m) "practitioner" means a person other than a physician who is lawfully entitled to render insured services in the place where they are rendered;
- (n) "regulations" means the regulations made under this Act.
- (o) "resident" means a person who is legally entitled to remain in Canada and who makes his home and is ordinarily present in Ontario, but does not include a tourist, a transient or a visitor to Ontario and the verb has a corresponding meaning;

ADMINISTRATION

Provincial
authority
for purposes
of R.S.C. 1970,
c. M-8

2.—(1) The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

Duties of
Minister

- (2) The Minister may,
 - (a) enter into arrangements for the payment of remuneration to physicians and practitioners rendering insured services to insured persons on a basis other than fee for service;

- (b) enter into agreements with persons, organizations and government agencies outside Ontario for the provision of insured services to insured persons ;
- (c) limit the hospital and health care services outside Canada for which payment may be made under the Plan ;
- (d) establish one or more advisory committees to advise or assist in the operation of the Plan ;
- (e) authorize surveys and research programs and obtain statistics for purposes related to the Plan.

3.—(1) The Government of Ontario, represented by the Treasurer of Ontario, may enter into and amend from time to time an agreement with the Government of Canada under which Canada will contribute to the cost of that part of the Plan related to the provision of any insured services in or by hospitals and health facilities in accordance with such terms and conditions as the agreement provides.

(2) The Government of Ontario, represented by the Minister, may enter into and amend from time to time an agreement with the Government of Canada under which Canada will contribute to the cost of that part of the Plan related to insured services other than insured services provided in or by a hospital or health facility, in accordance with such terms and conditions as the agreement provides.

4.—(1) A General Manager for the Plan shall be appointed by the Lieutenant Governor in Council.

(2) Subject to this Act and the regulations, it is the function of the General Manager and he has the power,

- (a) to administer the Plan as the chief executive officer of the Plan ;
- (b) to carry out enrolments in the Plan including the determination of eligibility and collection of premiums ;
- (c) to make payments by the Plan for insured services, including the determination of eligibility and amounts ;
- (d) to establish and maintain branch offices for the administration of the Plan ;

- (e) to conduct actions and negotiate settlements on behalf of the Plan under the subrogation of the Plan under this Act to the rights of insured persons;
- (f) to require any information required or permitted to be provided to him under this Act or the regulations to be provided in such form as he specifies;
- (g) to perform such other function and discharge such other duties as are assigned to him by this Act and the regulations or by the Minister.

MEDICAL REVIEW COMMITTEE

Medical
Review
Committee
R.S.O. 1970,
c. 200

5.—(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of not more than seven members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons, of whom three constitute a quorum.

Remunera-
tion

(2) The members of the Medical Review Committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Qualifications
of members

(3) No member of the Medical Review Committee shall be employed in the service of Ontario or any agency of the Crown.

Duties

(4) The Medical Review Committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister, the Appeal Board or the College of Physicians and Surgeons and shall perform such other duties as are assigned to it by this Act or the regulations.

MEDICAL ELIGIBILITY COMMITTEE

Medical
Eligibility
Committee

6.—(1) The Minister may appoint in writing such number of physicians as he considers appropriate, from time to time, not to exceed fifteen, to form the Medical Eligibility Committee.

Term of
office

(2) The Minister shall specify the term of office for each physician in his written appointment.

Quorum

(3) Any three members constitute a quorum and are sufficient for the exercise of all functions of the Committee.

Divisions of
Committee

(4) The Medical Eligibility Committee may sit in several divisions simultaneously providing a quorum of the Committee is present in each division.

(5) The decision of the majority of the members of the Medical Eligibility Committee present and constituting a quorum is the decision of the Committee. Decision of Committee

(6) No member of the Medical Eligibility Committee shall be employed in the service of Ontario or any agency of the Crown. Qualifications of members

(7) The Minister shall, from time to time, designate one of the physicians to be the chairman of the Committee who shall assign the members to sit on the various divisions of the Committee and prescribe the duties to be performed by each division. Committee chairman

(8) The members of the Medical Eligibility Committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines. Remuneration

(9) The Medical Eligibility Committee shall look into and report with its recommendations to the General Manager on any matter referred to it under section 23 and shall perform such other duties as are assigned to it by this Act or the regulations or by the Minister. Duties

HEALTH SERVICES APPEAL BOARD

7.—(1) The Health Services Appeal Board is established and shall be composed of not fewer than five and not more than nine members, of whom not more than three shall be physicians, who shall be appointed by the Lieutenant Governor in Council. Health Services Appeal Board

(2) One member of the Appeal Board shall be designated as Appeal Board chairman and another member of the Board shall be designated as vice-chairman by the Lieutenant Governor in Council. Appeal Board chairman and vice-chairman

(3) Three members of the Appeal Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Appeal Board. Quorum

(4) The decision of the majority of the members of the Appeal Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the Appeal Board chairman or vice-chairman governs. Decision of Board

(5) No member of the Appeal Board shall be employed in the service of Ontario or any agency of the Crown. Qualifications of members

Remunera-
tion

(6) The members of the Appeal Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Duties

(7) The functions of the Appeal Board are to hear and determine,

(a) appeals from decisions made by the General Manager under section 24;

(b) any other duties assigned by this Act or the regulations or by the Minister,

subject to and in accordance with this Act and the regulations.

Report to
Assembly

8. The Minister shall make a report annually to the Lieutenant Governor in Council upon the affairs of the Plan and the Minister shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

ONTARIO HEALTH INSURANCE PLAN

Ontario
Health
Insurance
Plan
established

R.S.O. 1970,
cc. 200, 209

9. The Health Services Insurance Plan established by *The Health Services Insurance Act* and the hospital care insurance plan established by *The Hospital Services Commission Act* are hereby continued in the Plan for the purpose of providing for insurance against the costs of insured services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

Right to
insurance

10.—(1) Every person who is a resident of Ontario is entitled to become an insured person upon application therefor to the General Manager in accordance with this Act and the regulations.

Dependants

(2) Every dependant of an insured person is an insured person.

Coverage
continued

1971 (2nd
Sess.) c. 5

(3) Every person who was an insured person under *The Ontario Health Insurance Organization Act, 1971* immediately prior to the coming into force of this Act is an insured person under this Act until he ceases to be an insured person in accordance with this Act and the regulations.

Entitlement
to insured
services

11. Every insured person is entitled to payment to himself or on his behalf for, or to be otherwise provided with, insured services in the amounts and subject to such conditions and co-payments, if any, as are prescribed during the period in respect of which his premium is paid or dispensed with under this Act.

12. The premium for insured services shall be such amount ^{Premium} as is prescribed by the regulations, payable three months in advance of the period in respect of which the premium is paid and remitted to the General Manager payable to the Treasurer of Ontario.

13.—(1) Any person who is sixty-five years of age or over ^{Exemption from premium for persons over 65} and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has ^{Idem} been ordinarily resident in Ontario for the previous twelve months.

14.—(1) Subject to section 24, the General Manager may ^{Premium relief or assistance} grant relief from or assistance in the payment of premiums for such residents and in such amounts based upon the taxable income or estimated taxable income of the resident and his spouse, if any, or upon such other circumstances as are determined in accordance with the regulations.

(2) Any insured person who is unable to continue payment ^{Application for temporary assistance} of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the General Manager for assistance in continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship.

(3) Any person who was entitled to insured services without ^{Continuation of premium relief or assistance} the payment of a premium or to premium assistance immediately before the 1st day of April, 1972 continues to be so entitled under this Act, subject to the provisions thereof.

15.—(1) The employees of an employer are a mandatory ^{Mandatory group} group if the number of employees who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

(2) Where the employees of an employer who are residents ^{Voluntary creation of mandatory group} of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the General Manager may upon application therefor designate the group as a mandatory group.

(3) Every person who is a member of a mandatory group ^{Coverage} shall be an insured person in accordance with this Act and the regulations.

Deductions
by employer

(4) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium.

Effect of
deduction
by employer

(5) The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted.

No service
charge

(6) No person shall make any charge for acting in his capacity as the employer of a mandatory group.

Collector's
groups

16.—(1) Upon the application of an organization having fifteen or more members who are residents of Ontario and wish to apply for health insurance, the General Manager may designate the organization a collector's group and shall designate the person who shall be the collector.

Liability to
pay premium

(2) Each member of the group is primarily liable to pay the premium.

No service
charge

(3) No person shall make any charge for acting in his capacity as a collector.

Government
of Canada
groups

(4) The General Manager may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form.

Premiums for
remittance
in trust

17. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money.

Choice of
physician or
practitioner

18. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person.

Other
insurance
prohibited

R.S.O. 1970,
c. 224, s. 231

19.—(1) Every contract of insurance, other than insurance provided under section 231 of *The Insurance Act*, for the payment of or reimbursement or indemnification for all or any part of the cost of any insured services other than,

(a) any part of the cost of hospital, ambulance and nursing home services that is not paid by the Plan;

- (b) compensation for loss of time from usual or normal activities because of disability requiring insured services,

performed in Ontario for any person eligible to become an insured person under this Act, is void and of no effect in so far as it makes provision for insuring against the costs payable by the Plan and no person shall enter into or renew such a contract.

(2) A resident shall not accept or receive any benefit under any contract of insurance prohibited under subsection 1 whereby he or his dependants may be provided with or reimbursed or indemnified for all or any part of the costs of, or costs directly related to the provision of any insured service. Resident not to benefit from prohibited insurance

(3) Subsections 1 and 2 do not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment. Exceptions

(4) Where payment is made to or on behalf of an insured person under a contract or agreement referred to in subsection 3 and such payment is less than would have been made under this Act and the regulations for the same insured services, the General Manager may pay to or on behalf of the insured person the difference between the amount paid under the contract or agreement and the amount established by the regulations for the insured services for which payment was made under the contract or agreement. Idem

(5) Subsections 1 and 2 do not apply for the first three months after a person takes up residence in Ontario. Exception for first three months

20.—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations. Billing the Plan

(2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations. Methods of billing prohibited

(3) Where a physician submits his accounts directly to the Plan under this section, Requirements where Plan billed

- (a) payment thereof shall be made directly to him;
- (b) he shall not submit any account for any amount to the patient in respect of insured services; and
- (c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A physician may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not to
pay directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any physician who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision
R.S.O. 1970,
c. 200

(6) Every physician who was submitting his accounts directly to the Plan under *The Health Services Insurance Act* immediately prior to this Act coming into force shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

Form of
accounts

21.—(1) Every physician and practitioner shall submit his accounts for insured services performed by him in such form as the General Manager shall prescribe, whether such accounts are submitted directly to the Plan or are submitted to the patient.

Limitation
for payment
of accounts

(2) An account for insured services performed by a physician or a practitioner shall be submitted to the General Manager by the physician or the practitioner, or by the patient where the patient is billed directly, as the case may be, not later than six months after the insured services are performed but the General Manager may pay the account after that time where there are extenuating circumstances.

Duty of
General
Manager

22.—(1) Subject to section 24, the General Manager shall approve and assess claims for insured services, determine the amounts to be paid therefor and authorize the payment thereof in accordance with this Act and the regulations.

Refusal or
reduction
of claims

(2) Where, in respect of insured services rendered by a physician or practitioner, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

23.—(1) Where there is a dispute regarding a decision by the General Manager that an insured person is not entitled to an insured service in a hospital or health facility because such service is not medically necessary, the General Manager, upon receiving notice of such dispute, shall refer the matter to the Medical Eligibility Committee. When services not medically necessary

(2) The Medical Eligibility Committee shall consider the facts relevant to the disputed decision, including any medical records and reports about the insured person and, when considered necessary by the Committee, interviewing the insured person and discussing the matter with him and his physician. Medical Eligibility Committee to consider

(3) After giving consideration to the matter, the Medical Eligibility Committee shall recommend to the General Manager either that he pay or that he refuse to pay, according to the findings of the Committee, the sum or sums claimed by the insured person to be payable to him or on his behalf, as the case may be, and that the General Manager approve or refuse to approve, in accordance with the recommendations of the Committee, the provision of the insured service or services that are in dispute and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee. Recommendations

24.—(1) Where the General Manager,

Refusal of claim

- (a) refuses an application to become or continue to be an insured person;

- (b) refuses an application for relief from or assistance in the payment of the premium;
- (c) refuses a claim for payment for insured services or reduces the amount so claimed,

the General Manager shall serve notice on the applicant or claimant of his decision, together with written reasons therefor.

Notice

(2) A notice under subsection 1 shall inform the applicant or claimant that he is entitled to a hearing by the Appeal Board if he mails or delivers, to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Powers of
Appeal Board
where hearing

25.—(1) Where a person requires a hearing by the Appeal Board, the Appeal Board shall appoint a time for and hold the hearing and may by order direct the General Manager to take such action as the Appeal Board considers the General Manager should take in accordance with this Act and the regulations, and for such purposes the Appeal Board may substitute its opinion for that of the General Manager.

Extension of
time for
hearing

(2) The Appeal Board may extend the time for the giving of notice by a person requiring a hearing under this section, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Parties

26. The General Manager, the applicant in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, or the insured person and his physician or practitioner in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

Examination
of documen-
tary evidence

27.—(1) A person who is a party to proceedings before the Appeal Board shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Board mem-
bers not to
have investi-
gated prior to
hearing

(2) Members of the Appeal Board holding a hearing shall not have taken part, before the hearing, in any investigation

or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and with opportunity for all parties to participate, but the Appeal Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(3) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording evidence

(4) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under section 15 or 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(5) No member of the Appeal Board shall participate in a decision of the Appeal Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Appeal Board shall be given unless all members so present participate in the decision. Only members at hearing to participate

(6) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined. Release of documents, etc.

28.—(1) Any party to the proceedings before the Appeal Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to Supreme Court

(2) Where any party appeals from a decision or order of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Appeal Board and may exercise all powers of the Appeal Board to direct the General Manager Powers of court on appeal

to take any action which the Appeal Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the General Manager or of the Appeal Board, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

29.—(1) Where a decision of the General Manager to refuse or reduce a payment on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

Insured
person not
liable for
amount that
account is
reduced

(2) Where the claim for an account for insured services of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 22, the insured person is not liable to the physician or practitioner for the difference between the amount to which the General Manager reduces the account on such grounds and the amount that would otherwise be payable under the Plan, and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

Service
of notice

30. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom the notice is being given at his latest known address and, where notice is served by registered mail, the service shall be considered to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Proposed
revision of
O.M.A. sched-
ule of fees

31. At least six months before any proposed revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall arrange and implement discussions with representatives of the said Association respecting the details and extent of any proposed changes in the schedule of fees.

32. Any amounts payable to or on behalf of an insured person under the Plan in respect of insured services provided by or in a hospital or health facility may be paid in the form of the payment by the Province of all or any part of the annual expenditures of such hospital or health facility, where such payment by the Province is authorized under any Act. Payment by contribution to annual expenditures

33.—(1) Every physician and practitioner who performs an insured service for an insured person shall provide the insured person, or the General Manager, with the particulars of his services and account that are required by this Act and the regulations or the General Manager for the purpose of payment of the claim. Particulars of account

(2) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured services to provide the General Manager with such information respecting the insured services performed as the General Manager requires for the purposes of the Plan. Information authorized

(3) No action lies against a physician, practitioner, hospital or related health facility providing insured services or any member of his or its staff because of the furnishing to the General Manager information relating to insured services provided by him or it. Immunity for disclosure

34.—(1) Subject to subsections 2 and 3 and notwithstanding the repeal of *The Ontario Health Insurance Organization Act, 1971*, section 8 thereof continues to apply in respect of agreements or legally enforceable arrangements mentioned therein and in force on the 1st day of January, 1972. Continuation of provision for passing on savings
1971 (2nd Sess.) c. 5

(2) Where an employer is required under such agreement or arrangement to contribute all or any part of the premiums in respect of persons exempted from the payment of a premium under this Act or *The Ontario Health Insurance Organization Act, 1971*, the employer shall from the 1st day of January, 1972 or from the time the exemption is given, or whichever occurs latest, until the agreement is terminated, pay the amount of the contribution he was required to pay under such agreement or legally binding arrangement to or for the benefit of the person so exempted. Passing on saving where exempted from premium
1971 (2nd Sess.) c. 5

(3) In addition to any other remedy, the amount due an employee or a person under this section or section 8 of *The Ontario Health Insurance Organization Act, 1971* shall be deemed to be unpaid wages for the purposes of *The Employment Standards Act*. Recovery under R.S.O. 1970, c. 147

SUBROGATION

Subrogation **35.**—(1) Where, as the result of the negligence or other wrongful act or omission of another, an insured person suffers personal injuries for which he receives insured services under this Act, the Plan is subrogated to any right of the insured person to recover the cost incurred for past insured services and the cost that will probably be incurred for future insured services, and the General Manager may bring action in the name of the Plan or in the name of that person for the recovery of such costs.

Payment by Plan recoverable by insured (2) For the purposes of subsection 1, the payment by the Plan for insured services shall not be construed to affect the right of the insured person to recover the amounts so paid in the same manner as if such amounts are paid or to be paid by the insured person.

Cost of hospital services (3) For the purposes of this section, the cost of insured services rendered to an insured person in or by a hospital or health facility shall be at the rate charged by the hospital or health facility to a person who is not an insured person.

Subrogated claim included in action **36.**—(1) Any person who commences an action to recover for loss or damages arising out of the negligence or other wrongful act of a third party, to which the injury or disability in respect of which insured services have been provided is related shall, unless otherwise advised in writing by the General Manager, include a claim on behalf of the Plan for the cost of the insured services.

Recovery paid to Ontario (2) Where a person recovers a sum in respect of the cost of insured services, he shall forthwith pay the sum recovered to the Treasurer of Ontario.

Motor Vehicle Accident Claims Fund **37.** The Plan is not an insurer within the meaning of *The Insurance Act*, as referred to in section 21 of *The Motor Vehicle Accident Claims Act*, and may be awarded payment from the Motor Vehicle Accident Claims Fund.

R.S.O. 1970,
cc. 224, 281

Judge to divide award **38.** The judge at trial shall, if the evidence permits, apportion the elements of the injured person's loss and damages so as to clearly designate the amount of the Plan's recovery for the past cost of insured services and separate it from the amount of the Plan's recovery of future cost of insured services, if any.

Release not to bind Plan **39.** No release or settlement of a claim for damages for personal injuries in a case where the injured person has

received insured services under this Act shall be binding on the Plan unless the General Manager has approved the release or settlement.

40. A liability insurer shall notify the General Manager of negotiations for settlement of any claim for damages including insured services and may pay to the Treasurer of Ontario any amount referable to a claim for recovery of the cost of insured services and such payment discharges the obligation of the liability insurer to pay that amount to the insured person. Insurer to pay Ontario

41. Where a judgment or settlement includes future cost of insured services, the Plan shall provide the future insured services included in the judgment or settlement. Future insured services

42. Where the Health Services Insurance Division or the Hospital Services Commission had a right of subrogation under *The Health Services Insurance Act* or *The Hospital Services Commission Act*, respectively, or the regulations thereunder immediately before the 1st day of April, 1972, such right of subrogation and all actions, causes of action and judgments relating thereto continue as a right of the Plan and the provisions of this Act and the regulations apply thereto. Continuation of subrogations R.S.O. 1970, cc. 200, 209

GENERAL

43.—(1) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals and health facilities, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured services, and such medical and financial inspectors shall act only at the direction of the Medical Review Committee. Inspectors

(2) No person shall obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations. Obstructions

44.—(1) Each member of the Medical Review Committee, the Medical Eligibility Committee and the Appeal Board and each employee thereof, the General Manager and each person engaged in the administration of this Act and the regulations shall preserve secrecy with respect to all matters that come Information confidential

to his knowledge in the course of his employment or duties pertaining to insured persons and any insured services rendered and the payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this Act.

Exceptions

(2) A person referred to in subsection 1 may furnish information pertaining to the date or dates on which insured services were provided and for whom, the name and address of the hospital and health facility or person who provided the services, the amounts paid or payable by the Plan for such services and the hospital, health facility or person to whom the money was paid or is payable, but such information shall be furnished only,

R.S.O. 1970,
cc. 268, 378,
361, 20

R.S.C. 1970,
cc. H-8, M-8,
C-34

(a) in connection with the administration of this Act, *The Medical Act, The Public Hospitals Act, The Private Hospitals Act, The Ambulance Act* or the *Hospital Insurance and Diagnostic Services Act* (Canada), the *Medical Care Act* (Canada) or the *Criminal Code* (Canada), or regulations made thereunder;

(b) in proceedings under this Act or the regulations;

(c) to the person who provided the service, his solicitor or personal representative, the executor, administrator or committee of his estate, his trustee in bankruptcy or other legal representative;

(d) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person; or

(e) pursuant to a process issued in Ontario by a court of record or any other court ordering the removal of or the inspection of the information referred to in this subsection.

Statistical
purposes

(3) The information referred to in subsection 1 may be published by the Ministry of Health, in statistical form if the individual names and identities of persons who received insured services are not thereby revealed.

Exception for
professional
discipline

(4) The General Manager may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured services provided and

any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

45. Members of the Medical Review Committee, the Medical Eligibility Committee, or the Appeal Board and employees thereof, the General Manager and persons engaged in the administration of this Act are not liable for anything done or made *bona fide* by them in the performance of their duties under this Act and the regulations. Protection from liability

46.—(1) Any person designated in writing by the General Manager may at any time enter the premises of an employer of a mandatory group or a collector under this Act and inspect the books of account, payroll records and other records for the purpose of obtaining information relating to the membership of the group. Inspections

(2) Every person, when requested to do so by a person designated under subsection 1, shall produce and permit inspection of the accounts and records and supply extracts therefrom. Access for inspection

(3) No person shall hinder or obstruct a person designated under subsection 1 in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. Obstruction of inspector

47.—(1) Subject to subsection 2, an employer or collector who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$2,000. Offence, failure to remit premiums

(2) Where an employer or collector is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to remit the amount so determined to the General Manager. Order to pay premiums

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make a payment ordered to be made under subsection 2. Liability of officers and directors

48. Where an employer or collector that is a corporation fails to remit the premiums required to be remitted under this Act, and, Liability of directors on winding up

(a) goes into liquidation;

(b) is ordered to be wound up;

R.S.C. 1970,
c. B-4

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

Offence
benefits by
fraud

49.—(1) No person shall knowingly obtain or attempt to obtain payment for or receive or attempt to receive the benefit of any insured service that he is not entitled to obtain or receive under this Act and the regulations.

Idem

(2) No person shall knowingly aid or abet another person to obtain or attempt to obtain payment for or receive or attempt to receive the benefit of any insured service that such other person is not entitled to obtain or receive under this Act and the regulations.

General
penalty

50. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Regulations

51. The Lieutenant Governor in Council may make regulations,

(a) providing for the enrolment of persons as insured persons and prescribing waiting periods therefor;

(b) prescribing who are dependants of insured persons for the purposes of this Act;

(c) prescribing the persons who shall be deemed employees for the purposes of section 15 and the employees who shall be members of a mandatory group;

(d) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as are prescribed;

(e) providing for the conditions under which a mandatory group shall continue notwithstanding its reduction in numbers and for the termination of mandatory and collectors' groups;

- (f) providing for the continuation and termination of insurance coverage in respect of insured persons who cease to be eligible;
- (g) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;
- (h) prescribing the premiums that shall be paid by or on behalf of insured persons and specifying the time and manner of making such payments;
- (i) prescribing the services rendered in or by hospitals and health facilities and by practitioners that are insured services;
- (j) prescribing the amounts payable by the Plan for insured services rendered in or outside of Ontario in or by hospitals and health facilities and by physicians and practitioners and the conditions for their performance and for payment, but no schedule of payments shall be prescribed under this clause that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada). R.S.C. 1970,
c. M-8
- (k) prescribing services that shall be deemed not to be insured services for the purposes of this Act and the conditions under which the costs of any class of insured services are payable and limiting the payment commensurate with the circumstances of the performance of the services;
- (l) providing for the making of claims for payment of the cost of insured services and prescribing the information that shall be furnished in connection therewith;
- (m) prescribing the co-payments that shall be made by or on behalf of an insured person, in addition to the payment of the premiums, to qualify him to receive those insured services specified in the regulations as requiring co-payments;
- (n) providing for the times when and manner in which physicians may submit accounts directly to the Plan under section 20;
- (o) exempting any class of accounts from the application of section 20 or any provision thereof;
- (p) requiring as a condition to payment for insured services or any class thereof that they be provided

in or by designated hospitals or health facilities or any class thereof;

- (g) prescribing facilities that are health facilities for the purposes of this Act in addition to those referred to in clause *f* of section 1;
- (r) prescribing procedures for the enforcement of and recovery under rights to which the Plan is subrogated and without restricting the generality of the foregoing,
 - (i) requiring the insured person and his solicitor to act on behalf of the Plan in any action,
 - (ii) requiring such notices as are prescribed,
 - (iii) providing for the terms and conditions under which an action to enforce such rights may be begun, conducted and settled,
 - (iv) prescribing the portion of the costs of an insured person incurred in an action for the recovery of such rights that shall be borne by the Plan;
- (s) assigning additional duties to the General Manager, the Medical Review Committee, the Medical Eligibility Committee and the Appeal Board;
- (t) prescribing forms for the purposes of this Act and providing for their use.

MENTAL ILLNESS

Interpre-
tation

R.S.O. 1970,
cc. 363, 68, 69,
74, 269, 270

52.—(1) In this section, “hospital” means a sanitarium licensed under *The Private Sanitaria Act* that is approved by the Minister for the purposes of this section, a children’s mental health centre under *The Children’s Mental Health Centres Act*, a hospital under *The Children’s Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act*, a psychiatric facility under *The Mental Health Act*, or an institution designated an approved home or residential unit under *The Mental Hospitals Act*.

Insured
person
entitled

(2) An insured person who is entitled to insured services under this Act and the regulations and who is admitted to a hospital under this section is entitled to such services as are required for his maintenance, care, diagnosis and treatment in accordance with this Act and the regulations without being required to pay or have paid on his behalf any additional

premium or other charge beyond that necessary to entitle him to insured services under the Plan.

(3) Notwithstanding subsection 2, an insured person in ^{Exceptions} respect of whom, but for this Act, the Government of Canada would have assumed the cost of the maintenance, care, diagnosis and treatment provided under this section is not entitled to receive insured services in a hospital as an insured person.

(4) The General Manager shall keep the accounts, if any, ^{Accounts} of insured persons who receive hospital services under this section separate from the accounts of patients who receive insured services under the Plan.

(5) Where, as the result of negligence or other wrongful act ^{Subrogation} or omission of another, an insured person suffers personal injuries for which he receives services under this section, the Plan is subrogated to any right of the insured person to recover the cost incurred for such services, past or future, and the provisions of this Act and the regulations applying to subrogation of the Plan for the cost of insured services apply, *mutatis mutandis*, to subrogation of the Plan for the cost of services under this section.

53.—(1) The following are repealed:

^{Repeals}

1. *The Health Services Insurance Act*, being chapter 200 of the Revised Statutes of Ontario, 1970.
2. *The Health Services Insurance Amendment Act, 1971*, being chapter 85.
3. *The Health Services Insurance Amendment Act, 1971*, being chapter 6 of the 2nd Session.
4. *The Hospital Services Commission Act*, being chapter 209 of the Revised Statutes of Ontario, 1970.
5. *The Hospital Services Commission Amendment Act, 1971*, being chapter 7 of the 2nd Session.
6. *The Ontario Health Insurance Organization Act, 1971*, being chapter 5 of the 2nd Session.

(2) Subject to section 42, the Minister is the successor to the Commission constituted by *The Hospital Services Commission Act, 1956*, the Commission established by *The Ontario Health Insurance Organization Act, 1971*, the Health Services Insurance Division of the Ministry of Health and the Health Insurance Registration Board in respect of all matters and shall obtain the benefit of and be bound by all rights, matters and agreements to which the aforesaid Commission, Health

Services Insurance Division and Health Insurance Registration Board were parties or were entitled or bound immediately before the 1st day of April, 1972.

Commence-
ment

54.—(1) This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment of
regulations

R.S.O. 1970,
c. 410

(2) Any regulations made under section 51 and filed under *The Regulations Act* before the 1st day of July, 1972 may be made to apply retroactively to a date not earlier than the 1st day of April, 1972.

Short title

55. This Act may be cited as *The Health Insurance Act, 1972*.

An Act respecting
Health Insurance

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Health Insurance

THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act respecting Health Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Appeal Board" means the Health Services Appeal Board established by this Act;
- (b) "dependant" means a dependant of an insured person, as defined in the regulations;
- (c) "Deputy Minister" means the Deputy Minister of Health;
- (d) "future cost of insured services" means the estimated total cost of the future insured services made necessary as the result of an injury that will probably be required by a patient after the date of settlement or, where there is no settlement, the first day of trial;
- (e) "General Manager" means the General Manager appointed under section 4;
- (f) "health facility" means extended care units in a nursing home, ambulance services, medical laboratories and such other health facilities as are prescribed by the regulations;
- (g) "insured person" means a person who is entitled to insured services under this Act and the regulations;
- (h) "insured services" means such services of hospitals and health facilities as are prescribed by the regulations, all services rendered by physicians that are medically necessary and such other health care services as are rendered by such practitioners and under

R.S.O. 1970,
cc. 505, 205

R.S.C. 1970,
cc. H-8, M-8

such conditions and limitations as are prescribed by the regulations, but not including the services that a person is entitled to under *The Workmen's Compensation Act*, *The Homes for Special Care Act* or under any Act of the Parliament of Canada except the *Hospital Insurance and Diagnostic Services Act* (Canada) and the *Medical Care Act* (Canada);

- (i) "Minister" means the Minister of Health;
- (j) "past cost of insured services" means the total cost of the insured services made necessary as the result of an injury and provided to a patient up to and including the date of settlement or, where there is no settlement, the first day of trial;
- (k) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (l) "Plan" means the Ontario Health Insurance Plan established under section 9;
- (m) "practitioner" means a person other than a physician who is lawfully entitled to render insured services in the place where they are rendered;
- (n) "regulations" means the regulations made under this Act.
- (o) "resident" means a person who is legally entitled to remain in Canada and who makes his home and is ordinarily present in Ontario, but does not include a tourist, a transient or a visitor to Ontario and the verb has a corresponding meaning;

ADMINISTRATION

Provincial
authority
for purposes
of R.S.C. 1970,
c. M-8

2.—(1) The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

Duties of
Minister

- (2) The Minister may,
 - (a) enter into arrangements for the payment of remuneration to physicians and practitioners rendering insured services to insured persons on a basis other than fee for service;

- (b) enter into agreements with persons, organizations and government agencies outside Ontario for the provision of insured services to insured persons ;
- (c) limit the hospital and health care services outside Canada for which payment may be made under the Plan ;
- (d) establish one or more advisory committees to advise or assist in the operation of the Plan ;
- (e) authorize surveys and research programs and obtain statistics for purposes related to the Plan.

3.—(1) The Government of Ontario, represented by the Treasurer of Ontario, may enter into and amend from time to time an agreement with the Government of Canada under which Canada will contribute to the cost of that part of the Plan related to the provision of any insured services in or by hospitals and health facilities in accordance with such terms and conditions as the agreement provides. ^{Ontario-Canada agreement}

(2) The Government of Ontario, represented by the Minister, may enter into and amend from time to time an agreement with the Government of Canada under which Canada will contribute to the cost of that part of the Plan related to insured services other than insured services provided in or by a hospital or health facility, in accordance with such terms and conditions as the agreement provides. ^{Idem}

4.—(1) A General Manager for the Plan shall be appointed by the Lieutenant Governor in Council. ^{General Manager}

(2) Subject to this Act and the regulations, it is the function of the General Manager and he has the power, ^{Duties}

- (a) to administer the Plan as the chief executive officer of the Plan ;
- (b) to carry out enrolments in the Plan including the determination of eligibility and collection of premiums ;
- (c) to make payments by the Plan for insured services, including the determination of eligibility and amounts ;
- (d) to establish and maintain branch offices for the administration of the Plan ;

- (e) to conduct actions and negotiate settlements on behalf of the Plan under the subrogation of the Plan under this Act to the rights of insured persons ;
- (f) to require any information required or permitted to be provided to him under this Act or the regulations to be provided in such form as he specifies ;
- (g) to perform such other function and discharge such other duties as are assigned to him by this Act and the regulations or by the Minister.

MEDICAL REVIEW COMMITTEE

Medical
Review
Committee
R.S.O. 1970,
c. 200

5.—(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of not more than seven members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons, of whom three constitute a quorum.

Remunera-
tion

(2) The members of the Medical Review Committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Qualifications
of members

(3) No member of the Medical Review Committee shall be employed in the service of Ontario or any agency of the Crown.

Duties

(4) The Medical Review Committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister, the Appeal Board or the College of Physicians and Surgeons and shall perform such other duties as are assigned to it by this Act or the regulations.

MEDICAL ELIGIBILITY COMMITTEE

Medical
Eligibility
Committee

6.—(1) The Minister may appoint in writing such number of physicians as he considers appropriate, from time to time, not to exceed fifteen, to form the Medical Eligibility Committee.

Term of
office

(2) The Minister shall specify the term of office for each physician in his written appointment.

Quorum

(3) Any three members constitute a quorum and are sufficient for the exercise of all functions of the Committee.

Divisions of
Committee

(4) The Medical Eligibility Committee may sit in several divisions simultaneously providing a quorum of the Committee is present in each division.

(5) The decision of the majority of the members of the ^{Decision of} Medical Eligibility Committee present and constituting a ^{Committee} quorum is the decision of the Committee.

(6) No member of the Medical Eligibility Committee shall ^{Qualifications} be employed in the service of Ontario or any agency of the ^{of members} Crown.

(7) The Minister shall, from time to time, designate one of ^{Committee} the physicians to be the chairman of the Committee who shall ^{chairman} assign the members to sit on the various divisions of the Committee and prescribe the duties to be performed by each division.

(8) The members of the Medical Eligibility Committee shall ^{Remunera-} be paid such remuneration for their services, on an hourly basis, ^{tion} a daily basis or otherwise, as the Lieutenant Governor in Council determines.

(9) The Medical Eligibility Committee shall look into and ^{Duties} report with its recommendations to the General Manager on any matter referred to it under section 23 and shall perform such other duties as are assigned to it by this Act or the regulations or by the Minister.

HEALTH SERVICES APPEAL BOARD

7.—(1) The Health Services Appeal Board is established ^{Health} and shall be composed of not fewer than five and not more ^{Services} than nine members, of whom not more than three shall be ^{Appeal Board} physicians, who shall be appointed by the Lieutenant Governor in Council.

(2) One member of the Appeal Board shall be designated ^{Appeal Board} as Appeal Board chairman and another member of the Board ^{chairman and} shall be designated as vice-chairman by the Lieutenant ^{vice-} Governor in Council. ^{chairman}

(3) Three members of the Appeal Board constitute a quorum ^{Quorum} and are sufficient for the exercise of all the jurisdiction and powers of the Appeal Board.

(4) The decision of the majority of the members of the ^{Decision} Appeal Board present and constituting a quorum is the ^{of Board} decision of the Board, but, if there is no majority, the decision of the Appeal Board chairman or vice-chairman governs.

(5) No member of the Appeal Board shall be employed in ^{Qualifications} the service of Ontario or any agency of the Crown. ^{of members}

Remunera-
tion

(6) The members of the Appeal Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Duties

(7) The functions of the Appeal Board are to hear and determine,

(a) appeals from decisions made by the General Manager under section 24;

(b) any other duties assigned by this Act or the regulations or by the Minister,

subject to and in accordance with this Act and the regulations.

Report to
Assembly

8. The Minister shall make a report annually to the Lieutenant Governor in Council upon the affairs of the Plan and the Minister shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

ONTARIO HEALTH INSURANCE PLAN

Ontario
Health
Insurance
Plan
established

R.S.O. 1970,
cc. 200, 209

9. The Health Services Insurance Plan established by *The Health Services Insurance Act* and the hospital care insurance plan established by *The Hospital Services Commission Act* are hereby continued in the Plan for the purpose of providing for insurance against the costs of insured services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

Right to
insurance

10.—(1) Every person who is a resident of Ontario is entitled to become an insured person upon application therefor to the General Manager in accordance with this Act and the regulations.

Dependants

(2) Every dependant of an insured person is an insured person.

Coverage
continued

1971 (2nd
Sess.) c. 5

(3) Every person who was an insured person under *The Ontario Health Insurance Organization Act, 1971* immediately prior to the coming into force of this Act is an insured person under this Act until he ceases to be an insured person in accordance with this Act and the regulations.

Entitlement
to insured
services

11. Every insured person is entitled to payment to himself or on his behalf for, or to be otherwise provided with, insured services in the amounts and subject to such conditions and co-payments, if any, as are prescribed during the period in respect of which his premium is paid or dispensed with under this Act.

12. The premium for insured services shall be such amount ^{Premium} as is prescribed by the regulations, payable three months in advance of the period in respect of which the premium is paid and remitted to the General Manager payable to the Treasurer of Ontario.

13.—(1) Any person who is sixty-five years of age or over ^{Exemption from premium for persons over 65} and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has ^{Idem} been ordinarily resident in Ontario for the previous twelve months.

14.—(1) Subject to section 24, the General Manager may ^{Premium relief or assistance} grant relief from or assistance in the payment of premiums for such residents and in such amounts based upon the taxable income or estimated taxable income of the resident and his spouse, if any, or upon such other circumstances as are determined in accordance with the regulations.

(2) Any insured person who is unable to continue payment ^{Application for temporary assistance} of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the General Manager for assistance in continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship.

(3) Any person who was entitled to insured services without ^{Continuation of premium relief or assistance} the payment of a premium or to premium assistance immediately before the 1st day of April, 1972 continues to be so entitled under this Act, subject to the provisions thereof.

15.—(1) The employees of an employer are a mandatory ^{Mandatory group} group if the number of employees who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

(2) Where the employees of an employer who are residents ^{Voluntary creation of mandatory group} of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the General Manager may upon application therefor designate the group as a mandatory group.

(3) Every person who is a member of a mandatory group ^{Coverage} shall be an insured person in accordance with this Act and the regulations.

Deductions
by employer

(4) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium.

Effect of
deduction
by employer

(5) The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted.

No service
charge

(6) No person shall make any charge for acting in his capacity as the employer of a mandatory group.

Collector's
groups

16.—(1) Upon the application of an organization having fifteen or more members who are residents of Ontario and wish to apply for health insurance, the General Manager may designate the organization a collector's group and shall designate the person who shall be the collector.

Liability to
pay premium

(2) Each member of the group is primarily liable to pay the premium.

No service
charge

(3) No person shall make any charge for acting in his capacity as a collector.

Government
of Canada
groups

(4) The General Manager may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form.

Premiums for
remittance
in trust

17. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money.

Choice of
physician or
practitioner

18. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person.

Other
insurance
prohibited

R.S.O. 1970,
c. 224, s. 231

19.—(1) Every contract of insurance, other than insurance provided under section 231 of *The Insurance Act*, for the payment of or reimbursement or indemnification for all or any part of the cost of any insured services other than,

(a) any part of the cost of hospital, ambulance and nursing home services that is not paid by the Plan;

- (b) compensation for loss of time from usual or normal activities because of disability requiring insured services,

performed in Ontario for any person eligible to become an insured person under this Act, is void and of no effect in so far as it makes provision for insuring against the costs payable by the Plan and no person shall enter into or renew such a contract.

(2) A resident shall not accept or receive any benefit under any contract of insurance prohibited under subsection 1 whereby he or his dependants may be provided with or reimbursed or indemnified for all or any part of the costs of, or costs directly related to the provision of any insured service. Resident not to benefit from prohibited insurance

(3) Subsections 1 and 2 do not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment. Exceptions

(4) Where payment is made to or on behalf of an insured person under a contract or agreement referred to in subsection 3 and such payment is less than would have been made under this Act and the regulations for the same insured services, the General Manager may pay to or on behalf of the insured person the difference between the amount paid under the contract or agreement and the amount established by the regulations for the insured services for which payment was made under the contract or agreement. Idem

(5) Subsections 1 and 2 do not apply for the first three months after a person takes up residence in Ontario. Exception for first three months

20.—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations. Billing the Plan

(2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations. Methods of billing prohibited

(3) Where a physician submits his accounts directly to the Plan under this section, Requirements where Plan billed

- (a) payment thereof shall be made directly to him;
- (b) he shall not submit any account for any amount to the patient in respect of insured services; and
- (c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A physician may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not to
pay directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any physician who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision
R.S.O. 1970,
c. 200

(6) Every physician who was submitting his accounts directly to the Plan under *The Health Services Insurance Act* immediately prior to this Act coming into force shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

Form of
accounts

21.—(1) Every physician and practitioner shall submit his accounts for insured services performed by him in such form as the General Manager shall prescribe, whether such accounts are submitted directly to the Plan or are submitted to the patient.

Limitation
for payment
of accounts

(2) An account for insured services performed by a physician or a practitioner shall be submitted to the General Manager by the physician or the practitioner, or by the patient where the patient is billed directly, as the case may be, not later than six months after the insured services are performed but the General Manager may pay the account after that time where there are extenuating circumstances.

Duty of
General
Manager

22.—(1) Subject to section 24, the General Manager shall approve and assess claims for insured services, determine the amounts to be paid therefor and authorize the payment thereof in accordance with this Act and the regulations.

Refusal or
reduction
of claims

(2) Where, in respect of insured services rendered by a physician or practitioner, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

23.—(1) Where there is a dispute regarding a decision by the General Manager that an insured person is not entitled to an insured service in a hospital or health facility because such service is not medically necessary, the General Manager, upon receiving notice of such dispute, shall refer the matter to the Medical Eligibility Committee. When services not medically necessary

(2) The Medical Eligibility Committee shall consider the facts relevant to the disputed decision, including any medical records and reports about the insured person and, when considered necessary by the Committee, interviewing the insured person and discussing the matter with him and his physician. Medical Eligibility Committee to consider

(3) After giving consideration to the matter, the Medical Eligibility Committee shall recommend to the General Manager either that he pay or that he refuse to pay, according to the findings of the Committee, the sum or sums claimed by the insured person to be payable to him or on his behalf, as the case may be, and that the General Manager approve or refuse to approve, in accordance with the recommendations of the Committee, the provision of the insured service or services that are in dispute and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee. Recommendations

24.—(1) Where the General Manager,

Refusal of claim

- (a) refuses an application to become or continue to be an insured person;

- (b) refuses an application for relief from or assistance in the payment of the premium;
- (c) refuses a claim for payment for insured services or reduces the amount so claimed,

the General Manager shall serve notice on the applicant or claimant of his decision, together with written reasons therefor.

Notice

(2) A notice under subsection 1 shall inform the applicant or claimant that he is entitled to a hearing by the Appeal Board if he mails or delivers, to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Powers of
Appeal Board
where hearing

25.—(1) Where a person requires a hearing by the Appeal Board, the Appeal Board shall appoint a time for and hold the hearing and may by order direct the General Manager to take such action as the Appeal Board considers the General Manager should take in accordance with this Act and the regulations, and for such purposes the Appeal Board may substitute its opinion for that of the General Manager.

Extension of
time for
hearing

(2) The Appeal Board may extend the time for the giving of notice by a person requiring a hearing under this section, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Parties

26. The General Manager, the applicant in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, or the insured person and his physician or practitioner in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

Examination
of documen-
tary evidence

27.—(1) A person who is a party to proceedings before the Appeal Board shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Board mem-
bers not to
have investi-
gated prior to
hearing

(2) Members of the Appeal Board holding a hearing shall not have taken part, before the hearing, in any investigation

or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and with opportunity for all parties to participate, but the Appeal Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(3) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording evidence

(4) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under section 15 or 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(5) No member of the Appeal Board shall participate in a decision of the Appeal Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Appeal Board shall be given unless all members so present participate in the decision. Only members at hearing to participate

(6) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined. Release of documents, etc.

28.—(1) Any party to the proceedings before the Appeal Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to Supreme Court

(2) Where any party appeals from a decision or order of the Appeal Board, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Appeal Board and may exercise all powers of the Appeal Board to direct the General Manager Powers of court on appeal

to take any action which the Appeal Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the General Manager or of the Appeal Board, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

29.—(1) Where a decision of the General Manager to refuse or reduce a payment on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

Insured
person not
liable for
amount that
account is
reduced

(2) Where the claim for an account for insured services of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 22, the insured person is not liable to the physician or practitioner for the difference between the amount to which the General Manager reduces the account on such grounds and the amount that would otherwise be payable under the Plan, and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

Service
of notice

30. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom the notice is being given at his latest known address and, where notice is served by registered mail, the service shall be considered to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Proposed
revision of
O.M.A. sched-
ule of fees

31. At least six months before any proposed revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall arrange and implement discussions with representatives of the said Association respecting the details and extent of any proposed changes in the schedule of fees.

32. Any amounts payable to or on behalf of an insured person under the Plan in respect of insured services provided by or in a hospital or health facility may be paid in the form of the payment by the Province of all or any part of the annual expenditures of such hospital or health facility, where such payment by the Province is authorized under any Act. Payment by contribution to annual expenditures

33.—(1) Every physician and practitioner who performs an insured service for an insured person shall provide the insured person, or the General Manager, with the particulars of his services and account that are required by this Act and the regulations or the General Manager for the purpose of payment of the claim. Particulars of account

(2) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured services to provide the General Manager with such information respecting the insured services performed as the General Manager requires for the purposes of the Plan. Information authorized

(3) No action lies against a physician, practitioner, hospital or related health facility providing insured services or any member of his or its staff because of the furnishing to the General Manager information relating to insured services provided by him or it. Immunity for disclosure

34.—(1) Subject to subsections 2 and 3 and notwithstanding the repeal of *The Ontario Health Insurance Organization Act, 1971*, section 8 thereof continues to apply in respect of agreements or legally enforceable arrangements mentioned therein and in force on the 1st day of January, 1972. Continuation of provision for passing on savings 1971 (2nd Sess.) c. 5

(2) Where an employer is required under such agreement or arrangement to contribute all or any part of the premiums in respect of persons exempted from the payment of a premium under this Act or *The Ontario Health Insurance Organization Act, 1971*, the employer shall from the 1st day of January, 1972 or from the time the exemption is given, or whichever occurs latest, until the agreement is terminated, pay the amount of the contribution he was required to pay under such agreement or legally binding arrangement to or for the benefit of the person so exempted. Passing on saving where exempted from premium 1971 (2nd Sess.) c. 5

(3) In addition to any other remedy, the amount due an employee or a person under this section or section 8 of *The Ontario Health Insurance Organization Act, 1971* shall be deemed to be unpaid wages for the purposes of *The Employment Standards Act*. Recovery under R.S.O. 1970, c. 147

SUBROGATION

Subrogation **35.**—(1) Where, as the result of the negligence or other wrongful act or omission of another, an insured person suffers personal injuries for which he receives insured services under this Act, the Plan is subrogated to any right of the insured person to recover the cost incurred for past insured services and the cost that will probably be incurred for future insured services, and the General Manager may bring action in the name of the Plan or in the name of that person for the recovery of such costs.

Payment by Plan recoverable by insured (2) For the purposes of subsection 1, the payment by the Plan for insured services shall not be construed to affect the right of the insured person to recover the amounts so paid in the same manner as if such amounts are paid or to be paid by the insured person.

Cost of hospital services (3) For the purposes of this section, the cost of insured services rendered to an insured person in or by a hospital or health facility shall be at the rate charged by the hospital or health facility to a person who is not an insured person.

Subrogated claim included in action **36.**—(1) Any person who commences an action to recover for loss or damages arising out of the negligence or other wrongful act of a third party, to which the injury or disability in respect of which insured services have been provided is related shall, unless otherwise advised in writing by the General Manager, include a claim on behalf of the Plan for the cost of the insured services.

Recovery paid to Ontario (2) Where a person recovers a sum in respect of the cost of insured services, he shall forthwith pay the sum recovered to the Treasurer of Ontario.

Motor Vehicle Accident Claims Fund **37.** The Plan is not an insurer within the meaning of *The Insurance Act*, as referred to in section 21 of *The Motor Vehicle Accident Claims Act*, and may be awarded payment from the Motor Vehicle Accident Claims Fund.

R.S.O. 1970,
cc. 224, 281

Judge to divide award **38.** The judge at trial shall, if the evidence permits, apportion the elements of the injured person's loss and damages so as to clearly designate the amount of the Plan's recovery for the past cost of insured services and separate it from the amount of the Plan's recovery of future cost of insured services, if any.

Release not to bind Plan **39.** No release or settlement of a claim for damages for personal injuries in a case where the injured person has

received insured services under this Act shall be binding on the Plan unless the General Manager has approved the release or settlement.

40. A liability insurer shall notify the General Manager of negotiations for settlement of any claim for damages including insured services and may pay to the Treasurer of Ontario any amount referable to a claim for recovery of the cost of insured services and such payment discharges the obligation of the liability insurer to pay that amount to the insured person. Insurer to pay Ontario

41. Where a judgment or settlement includes future cost of insured services, the Plan shall provide the future insured services included in the judgment or settlement. Future insured services

42. Where the Health Services Insurance Division or the Hospital Services Commission had a right of subrogation under *The Health Services Insurance Act* or *The Hospital Services Commission Act*, respectively, or the regulations thereunder immediately before the 1st day of April, 1972, such right of subrogation and all actions, causes of action and judgments relating thereto continue as a right of the Plan and the provisions of this Act and the regulations apply thereto. Continuation of subrogations R.S.O. 1970, cc. 200, 209

GENERAL

43.—(1) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals and health facilities, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured services, and such medical and financial inspectors shall act only at the direction of the Medical Review Committee. Inspectors

(2) No person shall obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations. Obstructions

44.—(1) Each member of the Medical Review Committee, the Medical Eligibility Committee and the Appeal Board and each employee thereof, the General Manager and each person engaged in the administration of this Act and the regulations shall preserve secrecy with respect to all matters that come Information confidential

to his knowledge in the course of his employment or duties pertaining to insured persons and any insured services rendered and the payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this Act.

Exceptions

(2) A person referred to in subsection 1 may furnish information pertaining to the date or dates on which insured services were provided and for whom, the name and address of the hospital and health facility or person who provided the services, the amounts paid or payable by the Plan for such services and the hospital, health facility or person to whom the money was paid or is payable, but such information shall be furnished only,

R.S.O. 1970,
cc. 268, 378,
361, 20

R.S.C. 1970,
cc. H-8, M-8,
C-34

(a) in connection with the administration of this Act, *The Medical Act, The Public Hospitals Act, The Private Hospitals Act, The Ambulance Act* or the *Hospital Insurance and Diagnostic Services Act* (Canada), the *Medical Care Act* (Canada) or the *Criminal Code* (Canada), or regulations made thereunder;

(b) in proceedings under this Act or the regulations;

(c) to the person who provided the service, his solicitor or personal representative, the executor, administrator or committee of his estate, his trustee in bankruptcy or other legal representative;

(d) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person; or

(e) pursuant to a process issued in Ontario by a court of record or any other court ordering the removal of or the inspection of the information referred to in this subsection.

Statistical
purposes

(3) The information referred to in subsection 1 may be published by the Ministry of Health, in statistical form if the individual names and identities of persons who received insured services are not thereby revealed.

Exception for
professional
discipline

(4) The General Manager may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured services provided and

any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

45. Members of the Medical Review Committee, the Medical Eligibility Committee, or the Appeal Board and employees thereof, the General Manager and persons engaged in the administration of this Act are not liable for anything done or made *bona fide* by them in the performance of their duties under this Act and the regulations. Protection from liability

46.—(1) Any person designated in writing by the General Manager may at any time enter the premises of an employer of a mandatory group or a collector under this Act and inspect the books of account, payroll records and other records for the purpose of obtaining information relating to the membership of the group. Inspections

(2) Every person, when requested to do so by a person designated under subsection 1, shall produce and permit inspection of the accounts and records and supply extracts therefrom. Access for inspection

(3) No person shall hinder or obstruct a person designated under subsection 1 in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. Obstruction of inspector

47.—(1) Subject to subsection 2, an employer or collector who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$2,000. Offence, failure to remit premiums

(2) Where an employer or collector is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to remit the amount so determined to the General Manager. Order to pay premiums

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make a payment ordered to be made under subsection 2. Liability of officers and directors

48. Where an employer or collector that is a corporation fails to remit the premiums required to be remitted under this Act, and, Liability of directors on winding up

(a) goes into liquidation ;

(b) is ordered to be wound up ;

R.S.C. 1970,
c. B-4

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada) ; or

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

Offence
benefits by
fraud

49.—(1) No person shall knowingly obtain or attempt to obtain payment for or receive or attempt to receive the benefit of any insured service that he is not entitled to obtain or receive under this Act and the regulations.

Idem

(2) No person shall knowingly aid or abet another person to obtain or attempt to obtain payment for or receive or attempt to receive the benefit of any insured service that such other person is not entitled to obtain or receive under this Act and the regulations.

General
penalty

50. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Regulations

51. The Lieutenant Governor in Council may make regulations,

(a) providing for the enrolment of persons as insured persons and prescribing waiting periods therefor ;

(b) prescribing who are dependants of insured persons for the purposes of this Act ;

(c) prescribing the persons who shall be deemed employees for the purposes of section 15 and the employees who shall be members of a mandatory group ;

(d) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as are prescribed ;

(e) providing for the conditions under which a mandatory group shall continue notwithstanding its reduction in numbers and for the termination of mandatory and collectors' groups ;

- (f) providing for the continuation and termination of insurance coverage in respect of insured persons who cease to be eligible;
 - (g) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;
 - (h) prescribing the premiums that shall be paid by or on behalf of insured persons and specifying the time and manner of making such payments;
 - (i) prescribing the services rendered in or by hospitals and health facilities and by practitioners that are insured services;
 - (j) prescribing the amounts payable by the Plan for insured services rendered in or outside of Ontario in or by hospitals and health facilities and by physicians and practitioners and the conditions for their performance and for payment, but no schedule of payments shall be prescribed under this clause that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada).
- R.S.C. 1970,
c. M-8
- (k) prescribing services that shall be deemed not to be insured services for the purposes of this Act and the conditions under which the costs of any class of insured services are payable and limiting the payment commensurate with the circumstances of the performance of the services;
 - (l) providing for the making of claims for payment of the cost of insured services and prescribing the information that shall be furnished in connection therewith;
 - (m) prescribing the co-payments that shall be made by or on behalf of an insured person, in addition to the payment of the premiums, to qualify him to receive those insured services specified in the regulations as requiring co-payments;
 - (n) providing for the times when and manner in which physicians may submit accounts directly to the Plan under section 20;
 - (o) exempting any class of accounts from the application of section 20 or any provision thereof;
 - (p) requiring as a condition to payment for insured services or any class thereof that they be provided

in or by designated hospitals or health facilities or any class thereof ;

- (g) prescribing facilities that are health facilities for the purposes of this Act in addition to those referred to in clause *f* of section 1 ;
- (r) prescribing procedures for the enforcement of and recovery under rights to which the Plan is subrogated and without restricting the generality of the foregoing,
 - (i) requiring the insured person and his solicitor to act on behalf of the Plan in any action,
 - (ii) requiring such notices as are prescribed,
 - (iii) providing for the terms and conditions under which an action to enforce such rights may be begun, conducted and settled,
 - (iv) prescribing the portion of the costs of an insured person incurred in an action for the recovery of such rights that shall be borne by the Plan;
- (s) assigning additional duties to the General Manager, the Medical Review Committee, the Medical Eligibility Committee and the Appeal Board;
- (t) prescribing forms for the purposes of this Act and providing for their use.

MENTAL ILLNESS

Interpre-
tation

R.S.O. 1970,
cc. 363, 68, 69,
74, 269, 270

52.—(1) In this section, “hospital” means a sanitarium licensed under *The Private Sanitaria Act* that is approved by the Minister for the purposes of this section, a children’s mental health centre under *The Children’s Mental Health Centres Act*, a hospital under *The Children’s Mental Hospitals Act*, a hospital established or approved under *The Community Psychiatric Hospitals Act*, a psychiatric facility under *The Mental Health Act*, or an institution designated an approved home or residential unit under *The Mental Hospitals Act*.

Insured
person
entitled

(2) An insured person who is entitled to insured services under this Act and the regulations and who is admitted to a hospital under this section is entitled to such services as are required for his maintenance, care, diagnosis and treatment in accordance with this Act and the regulations without being required to pay or have paid on his behalf any additional

premium or other charge beyond that necessary to entitle him to insured services under the Plan.

(3) Notwithstanding subsection 2, an insured person in ^{Exceptions} respect of whom, but for this Act, the Government of Canada would have assumed the cost of the maintenance, care, diagnosis and treatment provided under this section is not entitled to receive insured services in a hospital as an insured person.

(4) The General Manager shall keep the accounts, if any, ^{Accounts} of insured persons who receive hospital services under this section separate from the accounts of patients who receive insured services under the Plan.

(5) Where, as the result of negligence or other wrongful act ^{Subrogation} or omission of another, an insured person suffers personal injuries for which he receives services under this section, the Plan is subrogated to any right of the insured person to recover the cost incurred for such services, past or future, and the provisions of this Act and the regulations applying to subrogation of the Plan for the cost of insured services apply, *mutatis mutandis*, to subrogation of the Plan for the cost of services under this section.

53.—(1) The following are repealed:

Repeals

1. *The Health Services Insurance Act*, being chapter 200 of the Revised Statutes of Ontario, 1970.
2. *The Health Services Insurance Amendment Act, 1971*, being chapter 85.
3. *The Health Services Insurance Amendment Act, 1971*, being chapter 6 of the 2nd Session.
4. *The Hospital Services Commission Act*, being chapter 209 of the Revised Statutes of Ontario, 1970.
5. *The Hospital Services Commission Amendment Act, 1971*, being chapter 7 of the 2nd Session.
6. *The Ontario Health Insurance Organization Act, 1971*, being chapter 5 of the 2nd Session.

(2) Subject to section 42, the Minister is the successor to the Commission constituted by *The Hospital Services Commission Act, 1956*, the Commission established by *The Ontario Health Insurance Organization Act, 1971*, the Health Services Insurance Division of the Ministry of Health and the Health Insurance Registration Board in respect of all matters and shall obtain the benefit of and be bound by all rights, matters and agreements to which the aforesaid Commission, Health

Services Insurance Division and Health Insurance Registration Board were parties or were entitled or bound immediately before the 1st day of April, 1972.

Commence-
ment

54.—(1) This Act shall be deemed to have come into force on the 1st day of April, 1972.

Commence-
ment of
regulations

R.S.O. 1970,
c. 410

(2) Any regulations made under section 51 and filed under *The Regulations Act* before the 1st day of July, 1972 may be made to apply retroactively to a date not earlier than the 1st day of April, 1972.

Short title

55. This Act may be cited as *The Health Insurance Act, 1972*.

An Act respecting
Health Insurance

1st Reading

June 16th, 1972

2nd Reading

June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. R. T. POTTER
Minister of Health

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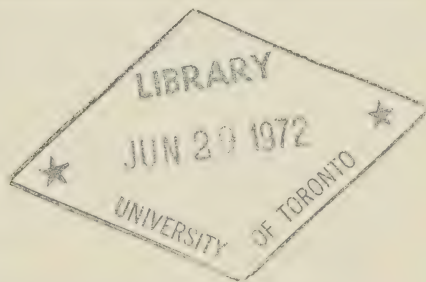
Government Bill

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Ministry of Health

THE HON. R. T. POTTER
Minister of Health



EXPLANATORY NOTE

The purpose of the Bill is to give to the Ministry of Health direct responsibility and powers in respect of the administration of hospitals that were formerly the responsibility of the Hospital Services Commission.

BILL 185

1972

An Act respecting the Ministry of Health

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Deputy Minister" means the Deputy Minister of Health;

(b) "health facility" means a health facility as defined in *The Health Insurance Act, 1972*;

1972, c.

(c) "Minister" means the Minister of Health;

(d) "Ministry" means the Ministry of Health;

(e) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;

(f) "practitioner" means a person other than a physician who is lawfully performing health services in the place where they are rendered;

(g) "regulations" means the regulations made under this Act.

2. The Ministry of Health is continued.

Ministry
continued

3.—(1) The Minister shall preside over and have charge of the Ministry and all its functions.

Minister

(2) The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Administra-
tion of Acts

4. The Deputy Minister shall perform such duties and functions as are assigned to him by the Lieutenant Governor in Council or the Minister.

Deputy
Minister

Staff

R.S.O. 1970,
c. 386

5. Such officers and other employees may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Duties and
functions
of Minister

6.—(1) It is the function of the Minister and he has power to carry out the following duties:

- (a) to advise the Government in respect of the health of the people of Ontario;
- (b) to oversee and promote the health and the physical and mental well-being of the people of Ontario;
- (c) to be responsible for the development, co-ordination and maintenance of comprehensive health services and a balanced and integrated system of hospitals, extended care facilities, nursing homes, laboratories, ambulances and other health facilities in Ontario;
- (d) to enter into agreements for the provision of health services and equipment required therefor and for the payment of remuneration for such health services on a basis other than fee for service;
- (e) to institute a system for payment of amounts payable under *The Health Insurance Act, 1972* in the form of payment by the Province of all or any part of the annual expenditures of hospitals and health facilities;
- (f) to establish and operate, alone or in co-operation with one or more persons or organizations, institutes and centres for the training of hospital and health service personnel;
- (g) to govern the care, treatment and services and facilities therefor provided by hospitals and health facilities and assess the revenues required to provide such care, treatment and services;
- (h) to control charges made to all patients by hospitals and health facilities;
- (i) to authorize and provide financial support, alone or in co-operation with one or more persons or organizations, on a periodic basis or otherwise, for the establishment and operation of corporations to supply centralized services and commodities to hospitals, extended care facilities, nursing homes, and health facilities and to others associated with health workers and the health field generally and enter

1972, c.

into agreements necessary therefor, and enter into agreements with hospitals, extended care facilities, nursing homes, and other health facilities and other persons on such terms and conditions and for such periods as the Minister considers advisable to assist in financing all or any part of the cost of such centralized services and commodities or for any other purpose incidental to the foregoing;

- (j) to convene conferences and conduct seminars and educational programs respecting health matters.

(2) The Minister in exercising his powers and carrying out his ^{Idem} duties and functions under this Act,

- (a) shall inquire into and determine the hospital and health facilities, services and personnel required to meet the health needs of the people of Ontario;
- (b) shall promote and assist in the development of adequate health resources, both human and material, in Ontario;
- (c) may initiate, promote, conduct and maintain surveys, scientific and administrative research programs and planning studies into any matters relating to the health needs of Ontario and obtain statistics for purposes of the Ministry;
- (d) may collect such information and statistics respecting the state of health of members of the public, health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are considered necessary or advisable, and publish any information so collected; and
- (e) may recommend to the Government the methods and programs by which the health needs of the people of Ontario can be met.

7. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with municipalities or other persons or corporations respecting the provision of hospitals and health facilities, and services and personnel thereof. ^{Agreements for provision of health facilities, etc.}

8.—(1) There shall be a senior advisory body to the Minister on health matters, known as the Ontario Council of Health, consisting of a full-time Chairman and such other ^{Council of Health}

persons numbering not fewer than sixteen, as are appointed members by the Lieutenant Governor in Council.

Duties

(2) It is the duty of the Council to advise the Minister on health matters and needs of the people of Ontario and to perform such other duties as are referred to it by the Minister.

**Appointment
of advisory
committees**

9. The Lieutenant Governor in Council or the Minister may appoint committees to perform such advisory functions as are considered necessary or desirable in order to assist the Minister in the discharge of his duties.

**Grants, loans
and purchases**

10. The Minister may, out of the moneys appropriated by the Legislature therefor,

- (a) make grants to universities and any non-profit organizations for research and training of persons for the health sciences in such amounts and upon such terms and conditions as the regulations prescribe;
- (b) provide bursaries and loans for educational and training purposes in respect of health to such persons, in such amounts and upon such terms and conditions as the regulations prescribe;
- (c) make grants for developing health resources to such persons and organizations and upon such terms and conditions as the regulations prescribe;
- (d) make grants or loans to schools approved by the Minister for the education of nurses, technicians and other related health personnel for work in hospitals, extended care facilities, nursing homes, and health facilities, and such grants or loans may be paid either directly to the school if the school is a corporation or to the board of a hospital under whose supervision the school is operated, upon such terms and conditions as the regulations prescribe;
- (e) purchase any corporation, organization, establishment or undertaking related to or useful for the Ontario Health Insurance Plan or the delivery of hospital, ambulance or other health services and any real and personal property connected therewith.

**Approval
of sales**

11. No land, building or other premises or place or any part thereof acquired or used for the purposes of a regional school of nursing, institute or training centre approved by the Minister for the education of registered nurses, registered

nursing assistants, medical laboratory technicians, radiological technicians, ambulance personnel or any other health care personnel for which a grant or loan has been made by the Government shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Minister.

12. Subject to the approval of the Lieutenant Governor in ^{Regulations} Council, the Minister may make regulations,

- (a) to prescribe and govern the standards for the facilities for providing care, treatment and services in hospitals and health facilities;
- (b) providing for the transportation of patients from one hospital or health facility to another hospital or health facility;
- (c) providing for the transportation of organs, biologicals and surgical and other health care supplies and equipment;
- (d) requiring and providing for the approval by the Minister of regional and district councils for planning health and hospital services and their structure, functions and duties;
- (e) prescribing the proportions of standard ward, semi-private and private accommodation that shall be provided in individual hospitals and health facilities;
- (f) respecting the grants, loans and bursaries mentioned in section 10, prescribing classes of such grants, loans and bursaries and the methods of determining the amounts of such grants, loans and bursaries and providing for the manner and times of payment and the suspension and withholding of any payments and for the making of deductions from such grants, loans and bursaries, and the manner and times of repayment of such loans;
- (g) designating facilities or classes of facilities that are health facilities for the purposes of this Act.

13. The Minister after the close of each year shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Repeals

14.—(1) The following are repealed:

1. *The Ministry of Health Act*, being chapter 114 of the Revised Statutes of Ontario, 1970.
2. *The Ministry of Health Amendment Act, 1972*, being chapter 35.
3. Section 77 of *The Government Reorganization Act, 1972*, being chapter 1.

Amendment
of references
to OHSC

(2) A reference in any Act or regulation to the Ontario Hospital Services Commission shall be deemed to be a reference to the Minister of Health.

Commence-
ment

15. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

16. This Act may be cited as *The Ministry of Health Act, 1972*.

An Act respecting
The Ministry of Health

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

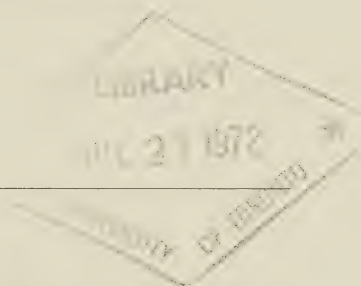
THE HON. R. T. POTTER
Minister of Health

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Ministry of Health

THE HON. R. T. POTTER
Minister of Health



BILL 185

1972

An Act respecting the Ministry of Health

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Health;
- (b) "health facility" means a health facility as defined in *The Health Insurance Act, 1972*; 1972, c.
- (c) "Minister" means the Minister of Health;
- (d) "Ministry" means the Ministry of Health;
- (e) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (f) "practitioner" means a person other than a physician who is lawfully performing health services in the place where they are rendered;
- (g) "regulations" means the regulations made under this Act.

2. The Ministry of Health is continued.

Ministry
continued

3.—(1) The Minister shall preside over and have charge of the Ministry and all its functions. Minister

(2) The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council. Administra-
tion of Acts

4. The Deputy Minister shall perform such duties and functions as are assigned to him by the Lieutenant Governor in Council or the Minister. Deputy
Minister

Staff

R.S.O. 1970,
c. 386

5. Such officers and other employees may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Duties and
functions
of Minister

6.—(1) It is the function of the Minister and he has power to carry out the following duties:

1972, c.

- (a) to advise the Government in respect of the health of the people of Ontario;
- (b) to oversee and promote the health and the physical and mental well-being of the people of Ontario;
- (c) to be responsible for the development, co-ordination and maintenance of comprehensive health services and a balanced and integrated system of hospitals, extended care facilities, nursing homes, laboratories, ambulances and other health facilities in Ontario;
- (d) to enter into agreements for the provision of health services and equipment required therefor and for the payment of remuneration for such health services on a basis other than fee for service;
- (e) to institute a system for payment of amounts payable under *The Health Insurance Act, 1972* in the form of payment by the Province of all or any part of the annual expenditures of hospitals and health facilities;
- (f) to establish and operate, alone or in co-operation with one or more persons or organizations, institutes and centres for the training of hospital and health service personnel;
- (g) to govern the care, treatment and services and facilities therefor provided by hospitals and health facilities and assess the revenues required to provide such care, treatment and services;
- (h) to control charges made to all patients by hospitals and health facilities;
- (i) to authorize and provide financial support, alone or in co-operation with one or more persons or organizations, on a periodic basis or otherwise, for the establishment and operation of corporations to supply centralized services and commodities to hospitals, extended care facilities, nursing homes, and health facilities and to others associated with health workers and the health field generally and enter

into agreements necessary therefor, and enter into agreements with hospitals, extended care facilities, nursing homes, and other health facilities and other persons on such terms and conditions and for such periods as the Minister considers advisable to assist in financing all or any part of the cost of such centralized services and commodities or for any other purpose incidental to the foregoing;

- (j) to convene conferences and conduct seminars and educational programs respecting health matters.

(2) The Minister in exercising his powers and carrying out his ^{Idem} duties and functions under this Act,

- (a) shall inquire into and determine the hospital and health facilities, services and personnel required to meet the health needs of the people of Ontario;
- (b) shall promote and assist in the development of adequate health resources, both human and material, in Ontario;
- (c) may initiate, promote, conduct and maintain surveys, scientific and administrative research programs and planning studies into any matters relating to the health needs of Ontario and obtain statistics for purposes of the Ministry;
- (d) may collect such information and statistics respecting the state of health of members of the public, health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are considered necessary or advisable, and publish any information so collected; and
- (e) may recommend to the Government the methods and programs by which the health needs of the people of Ontario can be met.

7. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with municipalities or other persons or corporations respecting the provision of hospitals and health facilities, and services and personnel thereof. ^{Agreements for provision of health facilities, etc.}

8.—(1) There shall be a senior advisory body to the Minister on health matters, known as the Ontario Council of Health, consisting of a full-time Chairman and such other ^{Ontario Council of Health}

persons numbering not fewer than sixteen, as are appointed members by the Lieutenant Governor in Council.

Duties

(2) It is the duty of the Council to advise the Minister on health matters and needs of the people of Ontario and to perform such other duties as are referred to it by the Minister.

**Appointment
of advisory
committees**

9. The Lieutenant Governor in Council or the Minister may appoint committees to perform such advisory functions as are considered necessary or desirable in order to assist the Minister in the discharge of his duties.

**Grants, loans
and purchases**

10. The Minister may, out of the moneys appropriated by the Legislature therefor,

- (a) make grants to universities and any non-profit organizations for research and training of persons for the health sciences in such amounts and upon such terms and conditions as the regulations prescribe;
- (b) provide bursaries and loans for educational and training purposes in respect of health to such persons, in such amounts and upon such terms and conditions as the regulations prescribe;
- (c) make grants for developing health resources to such persons and organizations and upon such terms and conditions as the regulations prescribe;
- (d) make grants or loans to schools approved by the Minister for the education of nurses, technicians and other related health personnel for work in hospitals, extended care facilities, nursing homes, and health facilities, and such grants or loans may be paid either directly to the school if the school is a corporation or to the board of a hospital under whose supervision the school is operated, upon such terms and conditions as the regulations prescribe;
- (e) purchase any corporation, organization, establishment or undertaking related to or useful for the Ontario Health Insurance Plan or the delivery of hospital, ambulance or other health services and any real and personal property connected therewith.

**Approval
of sales**

11. No land, building or other premises or place or any part thereof acquired or used for the purposes of a regional school of nursing, institute or training centre approved by the Minister for the education of registered nurses, registered

nursing assistants, medical laboratory technicians, radiological technicians, ambulance personnel or any other health care personnel for which a grant or loan has been made by the Government shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Minister.

12. Subject to the approval of the Lieutenant Governor in ^{Regulations} Council, the Minister may make regulations,

- (a) to prescribe and govern the standards for the facilities for providing care, treatment and services in hospitals and health facilities;
- (b) providing for the transportation of patients from one hospital or health facility to another hospital or health facility;
- (c) providing for the transportation of organs, biologicals and surgical and other health care supplies and equipment;
- (d) requiring and providing for the approval by the Minister of regional and district councils for planning health and hospital services and their structure, functions and duties;
- (e) prescribing the proportions of standard ward, semi-private and private accommodation that shall be provided in individual hospitals and health facilities;
- (f) respecting the grants, loans and bursaries mentioned in section 10, prescribing classes of such grants, loans and bursaries and the methods of determining the amounts of such grants, loans and bursaries and providing for the manner and times of payment and the suspension and withholding of any payments and for the making of deductions from such grants, loans and bursaries, and the manner and times of repayment of such loans;
- (g) designating facilities or classes of facilities that are health facilities for the purposes of this Act.

13. The Minister after the close of each year shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Repeals

14.—(1) The following are repealed:

1. *The Ministry of Health Act*, being chapter 114 of the Revised Statutes of Ontario, 1970.
2. *The Ministry of Health Amendment Act, 1972*, being chapter 35.
3. Section 77 of *The Government Reorganization Act, 1972*, being chapter 1.

Amendment
of references
to OHSC

(2) A reference in any Act or regulation to the Ontario Hospital Services Commission shall be deemed to be a reference to the Minister of Health.

Commence-
ment

15. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

16. This Act may be cited as *The Ministry of Health Act, 1972*.

An Act respecting
The Ministry of Health

1st Reading

June 16th, 1972

2nd Reading

June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. R. T. POTTER
Minister of Health

CA20N

XB

-B56

BILL 186

Government
Public
Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ambulance Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to delete reference to the Hospital Services Commission and substitute the Minister of Health for its administrative functions and a new Health Facilities Appeal Board for its quasi-judicial functions.

BILL 186

1972

An Act to amend The Ambulance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Ambulance Act*, being ^{s. 1 (c),} chapter 20 of the Revised Statutes of Ontario, 1970, is repealed ^{re-enacted} and the following substituted therefor:

(c) “Board” means the Health Facilities Appeal Board established by this Act.

(2) Section 1 of the said Act is amended by adding thereto ^{s. 1, amended} the following clause:

(*ea*) “Ministry” means the Ministry of Health.

2. Section 2 of the said Act is amended by striking out ^{s. 2, amended} “Commission” in the first line and inserting in lieu thereof “Minister”.

3. Subsection 2 of section 3 of the said Act is amended by ^{s. 3 (2),} striking out “Commission” in the first line and inserting in ^{amended} lieu thereof “Minister”.

4.—(1) Subsection 1 of section 4 of the said Act is amended ^{s. 4 (1),} by striking out “It is the function of the Commission and it ^{amended} has power” in the first line and inserting in lieu thereof “It is the duty of the Minister and he has power”.

(2) Clause *e* of subsection 1 of the said section 4 is ^{s. 4 (1) (e),} amended by striking out “Commission” in the third line and ^{amended} inserting in lieu thereof “Ministry”.

(3) Clause *f* of subsection 1 of the said section 4 is amended ^{s. 4 (1) (f),} by striking out “Commission” in the first line and inserting in ^{amended} lieu thereof “Minister”.

s. 4 (2),
amended

(4) Subsection 2 of the said section 4 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Minister".

s. 5, amended

5. Section 5 of the said Act is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".

s. 7a,
enacted

6. The said Act is amended by adding thereto the following section:

Health
Facilities
Appeal Board

7a.—(1) The Health Facilities Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Quorum

(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Members

(3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Board.

Remuneration

(4) The members of the Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

s. 9a (1),
amended

7.—(1) Subsection 1 of section 9a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the fifth line and in the sixth line and inserting in lieu thereof in each instance "Board".

s. 9a (2),
amended

(2) Subsection 2 of the said section 9a is amended by striking out "Commission" in the first and second lines and inserting in lieu thereof "Board".

s. 10 (2),
amended

8.—(1) Subsection 2 of section 10 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the third line and in the sixth line and inserting in lieu thereof in each instance "Board".

s. 10 (3),
amended

(2) Subsection 3 of the said section 10 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Board".

(3) Subsection 4 of the said section 10 is amended by striking<sup>s. 10 (4),
amended</sup> out "Commission" in the second, third, seventh and eighth and in the tenth lines and inserting in lieu thereof in each instance "Board".

(4) Subsection 5 of the said section 10 is amended by<sup>s. 10 (5),
amended</sup> striking out "Commission" in the first line and inserting in lieu thereof "Board".

(5) Subsection 6 of the said section 10 is amended by<sup>s. 10 (6),
amended</sup> striking out "Commission" in the first line and in the eighth line and inserting in lieu thereof in each instance "Board".

(6) Clause *b* of subsection 7 of the said section 10 is<sup>s. 10 (7) (b),
amended</sup> amended by striking out "Commission" in the fourth line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Board".

9.—(1) Subsection 1 of section 11 of the said Act, as re-<sup>s. 11 (1),
amended</sup> enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the third line and in the fourth line and inserting in lieu thereof in each instance "Board".

(2) Subsection 4 of the said section 11 is amended by striking<sup>s. 11 (4),
amended</sup> out "Commission" in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Board".

(3) Subsection 5 of the said section 11 is amended by striking<sup>s. 11 (5),
amended</sup> out "Commission" in the first line and inserting in lieu thereof "Board".

(4) Subsection 6 of the said section 11 is amended by<sup>s. 11 (6),
amended</sup> striking out "Commission" in the first line and inserting in lieu thereof "Board".

(5) Subsection 7 of the said section 11 is amended by striking<sup>s. 11 (7),
amended</sup> out "Commission" in the first, second and in the sixth lines and inserting in lieu thereof in each instance "Board".

10.—(1) Subsection 1 of section 16 of the said Act, as<sup>s. 16 (1),
amended</sup> amended by the Statutes of Ontario, 1971, chapter 50, section 5, is further amended by striking out "Commission" in the second line and in the fourth line and inserting in lieu thereof in each instance "Board".

(2) Subsection 2 of the said section 16 is amended by striking<sup>s. 16 (2),
amended</sup> out "Commission" in the third line and inserting in lieu thereof "Board".

s. 18 (1),
amended

11. Subsection 1 of section 18 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

s. 21,
re-enacted

12. Section 21 of the said Act is repealed and the following substituted therefor:

Payment of
co-payment
by municipi-
pality
R.S.O. 1970,
c. 192

21. Where a patient in a hospital is a person who is receiving general assistance from a municipality under *The General Welfare Assistance Act*, or is the dependant of any such person and is transported to or from the hospital in an ambulance, the municipality is also liable for and shall pay to the hospital that person's share of the ambulance services operator's fee as prescribed by the regulations.

s. 22 (1),
amended

13.—(1) Subsection 1 of section 22 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Minister".

s. 22 (1) (c),
amended

(2) Clause *c* of subsection 1 of the said section 22 is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".

s. 24,
amended

14. Section 24 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".

Commence-
ment

15. This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

16. This Act may be cited as *The Ambulance Amendment Act, 1972*.

An Act to amend
The Ambulance Act

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

CA20N

XB

-B56

BILL 186

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 *FF*

An Act to amend The Ambulance Act



THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 186

1972

An Act to amend The Ambulance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Ambulance Act*, being ^{s. 1 (c),} chapter 20 of the Revised Statutes of Ontario, 1970, is repealed ^{re-enacted} and the following substituted therefor:

(c) “Board” means the Health Facilities Appeal Board established by this Act.

(2) Section 1 of the said Act is amended by adding thereto ^{s. 1, amended} the following clause:

(*ea*) “Ministry” means the Ministry of Health.

2. Section 2 of the said Act is amended by striking out ^{s. 2, amended} “Commission” in the first line and inserting in lieu thereof “Minister”.

3. Subsection 2 of section 3 of the said Act is amended by ^{s. 3 (2),} striking out “Commission” in the first line and inserting in ^{amended} lieu thereof “Minister”.

4.—(1) Subsection 1 of section 4 of the said Act is amended ^{s. 4 (1),} by striking out “It is the function of the Commission and it ^{amended} has power” in the first line and inserting in lieu thereof “It is the duty of the Minister and he has power”.

(2) Clause *e* of subsection 1 of the said section 4 is ^{s. 4 (1) (e),} amended by striking out “Commission” in the third line and ^{amended} inserting in lieu thereof “Ministry”.

(3) Clause *f* of subsection 1 of the said section 4 is amended ^{s. 4 (1) (f),} by striking out “Commission” in the first line and inserting in ^{amended} lieu thereof “Minister”.

s. 4 (2),
amended

(4) Subsection 2 of the said section 4 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Minister".

s. 5, amended

5. Section 5 of the said Act is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".

s. 7a,
enacted

6. The said Act is amended by adding thereto the following section:

Health
Facilities
Appeal Board

7a.—(1) The Health Facilities Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Quorum

(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Members

(3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Board.

Remuneration

(4) The members of the Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

s. 9a (1),
amended

7.—(1) Subsection 1 of section 9a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the fifth line and in the sixth line and inserting in lieu thereof in each instance "Board".

s. 9a (2),
amended

(2) Subsection 2 of the said section 9a is amended by striking out "Commission" in the first and second lines and inserting in lieu thereof "Board".

s. 10 (2),
amended

8.—(1) Subsection 2 of section 10 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the third line and in the sixth line and inserting in lieu thereof in each instance "Board".

s. 10 (3),
amended

(2) Subsection 3 of the said section 10 is amended by striking out "Commission" in the second line and inserting in lieu thereof "Board".

(3) Subsection 4 of the said section 10 is amended by striking<sup>s. 10 (4),
amended</sup> out "Commission" in the second, third, seventh and eighth and in the tenth lines and inserting in lieu thereof in each instance "Board".

(4) Subsection 5 of the said section 10 is amended by<sup>s. 10 (5),
amended</sup> striking out "Commission" in the first line and inserting in lieu thereof "Board".

(5) Subsection 6 of the said section 10 is amended by<sup>s. 10 (6),
amended</sup> striking out "Commission" in the first line and in the eighth line and inserting in lieu thereof in each instance "Board".

(6) Clause *b* of subsection 7 of the said section 10 is<sup>s. 10 (7) (b),
amended</sup> amended by striking out "Commission" in the fourth line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Board".

9.—(1) Subsection 1 of section 11 of the said Act, as re-<sup>s. 11 (1),
amended</sup> enacted by the Statutes of Ontario, 1971, chapter 50, section 5, is amended by striking out "Commission" in the third line and in the fourth line and inserting in lieu thereof in each instance "Board".

(2) Subsection 4 of the said section 11 is amended by striking<sup>s. 11 (4),
amended</sup> out "Commission" in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Board".

(3) Subsection 5 of the said section 11 is amended by striking<sup>s. 11 (5),
amended</sup> out "Commission" in the first line and inserting in lieu thereof "Board".

(4) Subsection 6 of the said section 11 is amended by<sup>s. 11 (6),
amended</sup> striking out "Commission" in the first line and inserting in lieu thereof "Board".

(5) Subsection 7 of the said section 11 is amended by striking<sup>s. 11 (7),
amended</sup> out "Commission" in the first, second and in the sixth lines and inserting in lieu thereof in each instance "Board".

10.—(1) Subsection 1 of section 16 of the said Act, as<sup>s. 16 (1),
amended</sup> amended by the Statutes of Ontario, 1971, chapter 50, section 5, is further amended by striking out "Commission" in the second line and in the fourth line and inserting in lieu thereof in each instance "Board".

(2) Subsection 2 of the said section 16 is amended by striking<sup>s. 16 (2),
amended</sup> out "Commission" in the third line and inserting in lieu thereof "Board".

- s. 18 (1),
amended **11.** Subsection 1 of section 18 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".
- s. 21,
re-enacted **12.** Section 21 of the said Act is repealed and the following substituted therefor:
- Payment of
co-payment
by municipi-
pality
R.S.O. 1970,
c. 192 **21.** Where a patient in a hospital is a person who is receiving general assistance from a municipality under *The General Welfare Assistance Act*, or is the dependant of any such person and is transported to or from the hospital in an ambulance, the municipality is also liable for and shall pay to the hospital that person's share of the ambulance services operator's fee as prescribed by the regulations.
- s. 22 (1),
amended **13.—(1)** Subsection 1 of section 22 of the said Act is amended by striking out "Commission" in the second line and inserting in lieu thereof "Minister".
- s. 22 (1) (c),
amended (2) Clause *c* of subsection 1 of the said section 22 is amended by striking out "Commission" in the fourth line and inserting in lieu thereof "Minister".
- s. 24,
amended **14.** Section 24 of the said Act is amended by striking out "Commission" in the first line and inserting in lieu thereof "Minister".
- Commence-
ment **15.** This Act shall be deemed to have come into force on the 1st day of April, 1972.
- Short title **16.** This Act may be cited as *The Ambulance Amendment Act, 1972*.

An Act to amend
The Ambulance Act

1st Reading

June 16th, 1972

2nd Reading

June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. R. T. POTTER
Minister of Health



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